

AGENCY FOR INTERNATIONAL DEVELOPMENT WASHINGTON, D. C. 20523 BIBLIOGRAPHIC INPUT SHEET		FOR AID USE ONLY <i>Batch 37</i>	
1. SUBJECT CLASSIFICATION	A. PRIMARY Agriculture	AD50-0000-G662	
	B. SECONDARY Legislation--Indonesia		
2. TITLE AND SUBTITLE Report to USAID/Indonesia and AID/W on seed legislation consultation in Indonesia, 1971			
3. AUTHOR(S) Delouche, J.C.			
4. DOCUMENT DATE 1971	5. NUMBER OF PAGES 80p.	6. ARC NUMBER ARC	
7. REFERENCE ORGANIZATION NAME AND ADDRESS Miss. State			
8. SUPPLEMENTARY NOTES (Sponsoring Organization, Publishers, Availability) (In TA 71-04)			
9. ABSTRACT			
10. CONTROL NUMBER PN-AAC-226		11. PRICE OF DOCUMENT	
12. DESCRIPTORS Indonesia Quality control Seed production		13. PROJECT NUMBER	
		14. CONTRACT NUMBER AID/W-607 CTS	
		15. TYPE OF DOCUMENT	

REPORT TO USAID/INDONESIA AND AID/W
ON
SEED LEGISLATION CONSULTATION
IN THE
REPUBLIC OF INDONESIA

March 7 - April 3, 1971

SERVICES RENDERED
UNDER THE AGREEMENT
BETWEEN
AID/W and MSU
AID-W-607

SEED TECHNOLOGY LABORATORY
Mississippi State University
State College, Mississippi

April, 1971

TABLE OF CONTENTS

	Page
REPORT SUMMARY	i
ACKNOWLEDGEMENTS	iv
REPORT	1
Background	1
Status of Legislation on Arrival	4
Itinerary	4
Preparation of Seed Legislation	6
Organization of Seed Control and Certification Agency	8
Recommendations for Implementation of Legislation	11
APPENDICES	2nd Section
I. Itinerary	1
II. Draft decree of President of Republic of Indonesia concerning, <u>The Guidance of Seed Industry Development, the Marketing, and the Certification of Seed</u> with explanatory notes . . .	6
III. Draft Letter of the Minister of Agriculture concerning, <u>The Membership, Organizational Structure, Management and Duties of the National Seed Board</u>	19
IV. Draft Letter of the Minister of Agriculture concerning, <u>The Control and Regulation of Seed Marketing and the Certification of Seed</u> with explanatory notes	25
a. Annex No. 1 to Letter of Decision of MOA, <u>Rules, Regulations and Procedures Pertaining to Control and Regulation of Seed Marketing,</u> with explanatory notes	40

	Page
b. Annex No. 2 to Letter of Decision of MOA, <u>Designation of Regulated Seed</u> , example only	45
c. Annex No. 3 to Letter of Decision by MOA, <u>Regulations, Procedures and Standards for Certification of Seed</u> , with explanatory notes	46

REPORT SUMMARY

TITLE: Report to USAID/Indonesia and AID/W on Consultations in Indonesia on Seed Legislation

CONSULTANT: James C. Delouche, Director, Seed Technology Laboratory, Mississippi State University

CONTRACT NO.: AID-W-607

CONTRACTOR: Mississippi State University

PERIOD: March 7 - April 3 (Indonesia), April 5-20, 1971 (MSU)

SUMMARY

USAID/Indonesia requested the services of a consultant on seed legislation under terms of the AID-W-607 contract between AID/W and Mississippi State University to assist the Directorate General of Agriculture with the drafting of seed legislation stipulated as a requirement for credit under an IBRD Loan, presently under negotiation, for development of a seed program in Indonesia. The writer was designated as the seed legislation consultant.

IBRD stipulated - among other requirements - four actions as required for the effectiveness of credit. And, drafts of decrees covering the required actions were to be complete before final negotiations on the loan. The four actions specified were:

- (1) Establishment of a National Seed Board
- (2) Promulgation of a decree regulating the marketing of the most important seed kinds, e.g., paddy
- (3) Establishment of a seed certification system
- (4) Establishment of an agency for seed control and certification.

I arrived in Djakarta on 11 March, 1971. After an initial briefing by USAID, preliminary drafts of the required seed legislation prepared by the Directorate General of Agriculture and the Bureau of Legal Affairs were made available along with various reports pertaining to the IBRD seed project.

Trips to Bogor and Sukamandi were made on March 15-16 to discuss seed legislation with the various specialists and administrators, and to review seed production, processing and testing facilities.

A meeting was held on March 17 for the purpose of organizing a Task Force to draft the necessary seed legislation. This Task Force worked under the general guidance of Mr. Wazir and Mr. Djatjanto of the Directorate of Production-Development and included the following persons: Messrs. Sidik, Sadikin, Prabowo, Djoko Soeseno, Sutjiptadi, and Miss Hardini.

An observation trip was made to Central Java during March 17-19 to observe and review the existing seed stream, seed marketing arrangements and seed farms.

The Task Force for drafting seed legislation met again on March 20 to decide on the form of the legislation. It was decided that the legislation would be prepared in the form of a Presidential Decree providing for the necessary actions, and Ministerial Decrees implementing them.

The legislation was drafted during the week of March 22-27 and consists of three basic decrees and annexes thereto as follows:

1. Presidential Decree authorizing and requiring that (a) a National Seed Board be established, (b) seed marketing be controlled and regulated, (c) a seed certification system be organized and implemented, and (d) regulations for the control of imported seed be prepared.
2. Minister of Agriculture Decree specifying the membership, organizational frame, and duties of the National Seed Board.
3. Minister of Agriculture Decree specifying the procedures for control and regulation of seed marketing and for certification of seed, and an organization responsible for implementation. The general mechanism for control of seed marketing - for a few important kinds of seed as may be specified - is registration of seed merchant and compulsory truth-in-labeling of regulated seed. The certification system provided for follows the traditional form and is voluntary for seed producers.

- a. Annexes to the Ministerial Decree in (3) above were prepared on rules and regulations for control of seed marketing, and general procedures and standards for seed certification.
- b. Examples of Annexes were also prepared whereby the Ministry would declare certain kinds of seed as regulated (subject to compulsory labeling) in specific provinces or subdivisions thereof.

The legislation was reviewed on March 27 by the Task Force. Then on March 29, the drafts of legislation were reviewed in detail at a meeting called by Mr. Wazir, Director, Directorate of Production.

The changes in the seed legislation drafts as decided on at the meeting - relatively minor - were effected on March 30 and corrected copy submitted for typing and reproduction.

Djatijanto and I visited with Mr. Manning of the IBRD Office on March 30. We discussed the legislation drafted and these and other materials that the negotiating team needed to take to Washington for negotiations beginning on April 5.

A detailed report covering consultant's activities in Indonesia, and including annotated drafts of legislation prepared, and recommendations for implementing same was prepared after return to home station (MSU) on April 3.

ACKNOWLEDGEMENTS

My three week consultation in Indonesia was a very enjoyable - and I hope - productive experience. USAID/Indonesia had prepared a detailed itinerary that was generally followed and which contributed substantially to the productivity of the assignment. Myron Smith, Andy Renshaw and Bill Cook of USAID/AGR were helpful in many ways - and I sincerely appreciate their assistance and cooperation.

The Directorate-General of Agriculture provided transportation throughout my visit, an office, and typing services, all of which made my task much easier. I am especially grateful to Mr. Wazir, Mr. Djatijanto, and Mr. Sadikin S. for organization of a Task Force to draft the seed legislation and their counsel and guidance of the work. Mr. Sidarto gave freely of his legal knowledge and experience and clarified many legal points for me.

Finally, I want to express my appreciation to Mr. Sidik and Mr. Prabowo who were interpreters, travel agents, technical advisors, and companions.

REPORT TO USAID/INDONESIA and AID/W
on
PREPARATION OF SEED LEGISLATION
for
INDONESIA'S SEED PROGRAM

7 March - 3 April, 1971

James C. Delouche
Seed Technology Laboratory
Mississippi State University

Background

USAID/Indonesia requested services available under Contract AID-W-607 to assist the Government of Indonesia with drafting of seed legislation requisite for negotiation of an IBRD loan for "Seed Industry Development". Seed legislation appropriate for seed industry development was strongly recommended by the Consultant Team from LSU in its evaluation report to the Government of Indonesia. These recommendations were generally seconded by the Preparatory Mission from FAO, and endorsed in the final Appraisal Mission report.

The report of the Consultation Team from LSU recommended, "As a first step in the rice seed development program, a national seed law, specific rules and regulations for enforcement of this law, and specific regulations for producing foundation, stock and extension rice seed...and immediate steps...to establish an independent rice seed certification service...."^{1/}

^{1/}Confidential report of LSU Team to the Government of Indonesia, May, 1970. p. vi.

The LSU report then somewhat' confounded seed marketing control and seed certification in a section of the suggested "seed law" which states in part that, "It shall be the duty of the Commission (Seed) . . .

3. To limit the sale and distribution of seed for the production of an agricultural, vegetable, flower and ornamental crop to the planting of only certified seed or planting stock when it has been determined by the Commission that the best interest of the crop industry will be served." ^{2/}

While this is not yet compulsory certification the mechanism to make it so was unfortunately suggested. Organizational charts in the report and discussions related thereto, also do not make clear the separate and distinct functions of seed control (applied at market place) and seed certification (basically a quality control service for seed producers). The LSU reports does clearly state that the certification service should be separate and distinct from any seed production enterprise - administratively and physically.

The FAO Report ^{3/} on the Indonesia Seed Project generally follows the recommendations of the LSU Team but focusses sharply on the needs of the IBRD financed project, "subject to the final decision of the Government (of Indonesia) at the legislation preparation stage, it is assumed here, that, in the initial stages of the project, only rice-seed trading will be controlled

^{2/}Ibid. Annex 3, p. III.

^{3/}Confidential Report No. 34/70 INS, 5 November, 1970, of Indonesia Seed Preparation Mission (FAO/IBRD Cooperative Program).

by the regulations under the legislation; and that, even for rice, only the elements needed to test and certify the project's seed stream would be provided initially. This.....(Annex).....is therefore concerned only with the requirements of the seed testing branch, and the seed certification branch serving the seed stream produced by the project." ^{4/}

The report then continues with a description of the duties of the two branches of the Seed Regulation Directorate that effectively divides the traditional seed certification agency into two separate and distinct bodies: one concerned with laboratory certified seed standards and the other concerned with field and seed house inspections.

The appraisal team report (which was not available in complete form) concurred in the previous recommendations that seed legislation be enacted and made preparation of a draft decree by the Minister of Agriculture establishing the new seeds regulatory section a prerequisite for negotiations. It further suggested that Seed Certification be conducted by the Plant Breeding Station at Sukamandi, which will be adjacent to the National Seed Corporation under the proposed project.

The appraisal report further recommended that USAID/Indonesia be approached for their assistance in obtaining consultation services on seed legislation available under AID's Contract AID-W-607 with Mississippi State University.

^{4/}
Ibid. Annex 5, p. 1.

The above is a brief presentation of the background of the consultation assignment which is the subject of this report.

Status of Legislation on Arrival

Prior to my arrival in Indonesia the GOI had already prepared preliminary drafts of seed legislation and other legislation as stipulated by IBRD as requisite for negotiations. The drafts included (a) Presidential Decree concerning, "The Guidance on Production, Distribution and Storage of Seed and Its Control," (b) Letter of Decision of the Minister of Agriculture concerning, "The Working Procedures for Implementing Seed Certification," and (c) Letter of Decision of the MOA concerning, "The Organizational Structure, Management, Duty, and Working Procedure of the National Seed Board."

Review of the draft decrees indicated that they encompassed the main essential features of seed legislation, but needed substantial revision and amplification. Discussions with the Bureau of Legal Affairs, MOA, revealed that Presidential and Ministerial decrees in Indonesia were more efficient in terms of time than the usual legislative process and had force equal to or greater than legislative acts.

Itinerary (See APPENDIX 1)

USAID had prepared a complete itinerary for me and it was generally followed with a few minor alterations. Basically, the itinerary emphasized discussions and conferences with pertinent officials of the MOA, organization of a working group to prepare the drafts of the seed legislation, orientation visits to LP-3, and Institute of Agriculture, Bogor, Sukamandi (main site of

seed project), and into Central Java to observe the operation of the present seed production, distribution, and marketing system.

Following the brief but well planned orientation on the present seed stream, a working group was organized to draft the seed legislation. The working group consisting of Mr. Sidik and Miss Hardini, Seed Project, Directorate of Production, Mr. Sadikin S., Associate Director, LP-3, Mr. Prabowo, LP-3, Mr. Sutjiptadi (Sutarman), Sukamandi, Mr. Djoko Soeseno (Bureau of Legal Affairs), and the author, worked under the general guidance of Mr. Wazir, Director, Directorate of Production, and Mr. Djatijanto, his assistant.

The group worked essentially one full week (March 22-27) preparing the drafts of the legislation. The drafts were then reproduced and distributed to key officials before comprehensive review on March 29. Mr. Sidarto S. H., Head, Bureau of Legal Affairs, participated in the final review along with Mr. Wazir and Mr. Djatijanto. Revisions as necessary were effected in the drafts and final versions were completed. The basic provisions of the legislation and their implications were then discussed with Mr. Manning, IBRD Representative, and with Messrs. Smith and Cook, AGR/USAID.

Just prior to departure a final trip was made to Bogor to visit with Dr. John Murdock, Chief-of-Party, MUCIA, and Dr. Bob Jackson, IRRI-Ford Foundation, old acquaintances, and discuss with them some aspects of participant training.

A resume of my consultation assignment and completed drafts of

seed legislation were submitted to USAID/Indonesia prior to my departure from Indonesia on April 1.

Preparation of Seed Legislation

A first task was to identify and interpret the stipulations of IBRD regarding seed legislation requisite for negotiations. We were able to identify four requirements that properly belonged in the sphere of seed legislation.

- (1) Establishment of a National Seed Board.
- (2) Regulations pertaining to marketing of important seed kinds and to certification of seed of superior varieties.
- (3) Establishment of a seed certification system.
- (4) Establishment of a seed control and certification agency.

Considering the present legal and governmental organization in Indonesia, it was decided that the requirements listed above could best be fulfilled by a Presidential Decree promulgating the general objectives of the legislation, defining the limits of control and services, and specifying an implementing agent (the Minister of Agriculture).

Accordingly, a Presidential Decree was drafted that (1) established a National Seed Board to advise on seed industry development in Indonesia and authorized the MOA to organize and implement same; (2) stated the GOI's decision to regulate the marketing of certain important kinds and/or varieties of seed, as deemed to be within the interests of agriculture in Indonesia by the MOA, (and as designated by him), through required registration of seed merchants engaged in the sale of the seeds specified (to be) as regulated, and compulsory labeling; (3) stated the decision of the GOI to organize and

implement a seed certification program for superior varieties of important seed kinds; and (4) authorized the MOA to regulate the importation of seed as to germination quality, varietal purity, and contamination with weed seeds, which might be detrimental to agriculture in Indonesia if introduced.

The Presidential Decree, thus, established the authority of the GOI at the highest level to regulate seed marketing, seed importations, and to certify seed. And, it further required specific actions by the MOA to implement the decisions promulgated in the Presidential Decree.

A Letter of Decision (decree) on the authority of the MOA was drafted stipulating the membership, organization, working procedure, and duties of the National Seed Board, which is conceived of as a high level advisory body that will assist the MOA with all matters related to establishment of a seed industry in Indonesia.

A Letter of Decision (decree) on the authority of the MOA was also drafted specifying in the Letter and Annexes thereto, regulations for marketing of designated seed kinds, the manner by which the regulations are to be enforced, the establishment of an enforcement agency, the general regulations for certification of seed, and the establishment of a seed certification agency.

Detailed standards for certification of specific kinds of seed (e.g., rice) were not prepared as this seemed to be premature. Such standards and rules, which must eventually be formulated and decreed, should be formulated by the Seed Control and Certification Agency with the advice of the National Seed Board, when both are constituted and operational. I reviewed preliminary drafts of specific certification standards and procedures for rice,

corn and soybeans prepared by Mr. Prabowo of LP-3 and they were both thorough and reasonable. Nevertheless, I would welcome an opportunity to review the specific certification standards (or any other regulations and standards formulated to implement the seed legislation) when drafted and would be happy to offer any pertinent advice. This, of course, could be accomplished through correspondence.

The drafts of Decrees and Letters of Decision prepared in the area of seed legislation are given in Appendices II, III, and IV.

Organization of Seed Control and Certification Agency

Implementation of the proposed legislation will require:

- (1) Establishment and organization of a Seed Control and Certification Service.
- (2) Facilities, staff, and operational funds for the Seed Control and Certification Service.
- (3) Training of staff in seed inspection methods, certification procedures and methods, seed testing, and general regulatory work including enforcement procedures.
- (4) Development of operational procedures in line with objectives of programs and resources available to achieve the desired goals.

The draft decrees and decisions stipulate the organization of a Seed Control and Certification Agency (or section) to manage and implement the seed marketing regulations and the seed certification program. The Agency will, therefore, function both as a seed control agency and as a seed certification agency. Although, combining these two functions in a single

agency is a bit unusual we do not believe they are incompatible per se. Indeed, the economy of such an arrangement at this stage in seed industry development in Indonesia far outweighs the few disadvantages. Further, combining the two functions will minimize the administrative super-structure needed, which is already burdensome.

It is anticipated that the Seed Control and Certification Agency will be organized as follows:

Seed Control and Certification Agency: (See Chart 1)

1. Director, officed in Djakarta.
2. Senior Inspector, Seed Certification Service, officed in Djakarta.
 - A. Inspectors - 2 at Sukamandi, to inspect the National Seed Cooperation's production.^{5/}
 - B. Inspectors - 2 to 3 to service each seed district in the seed project (one (1) per each 200 ha).
 - C. Inspectors - others as needed for other certified seed production areas (one (1) per each 200 ha).
 - D. Office staff - secretaries, clerks and tag printers as needed to service the certification program.
3. Senior Inspector, Seed Marketing Control, officed in Djakarta.
 - A. Provincial Inspector - one (1) in charge of each province wherein the marketing of seed is regulated.
 - B. One (1) seed control inspector to assist Provincial Inspector in each province wherein seed marketing is regulated.

^{5/}If seed production units are limited to minimum 10 ha. units, then an inspector provided with good transportation (jeep or motor bike) should be able to service at least 200 ha. located within a 50 km. radius from his station. Since the production at Sukamandi will be in one area (2000 ha) and in large units within the area, 2 inspectors should be able to easily inspect the entire production.

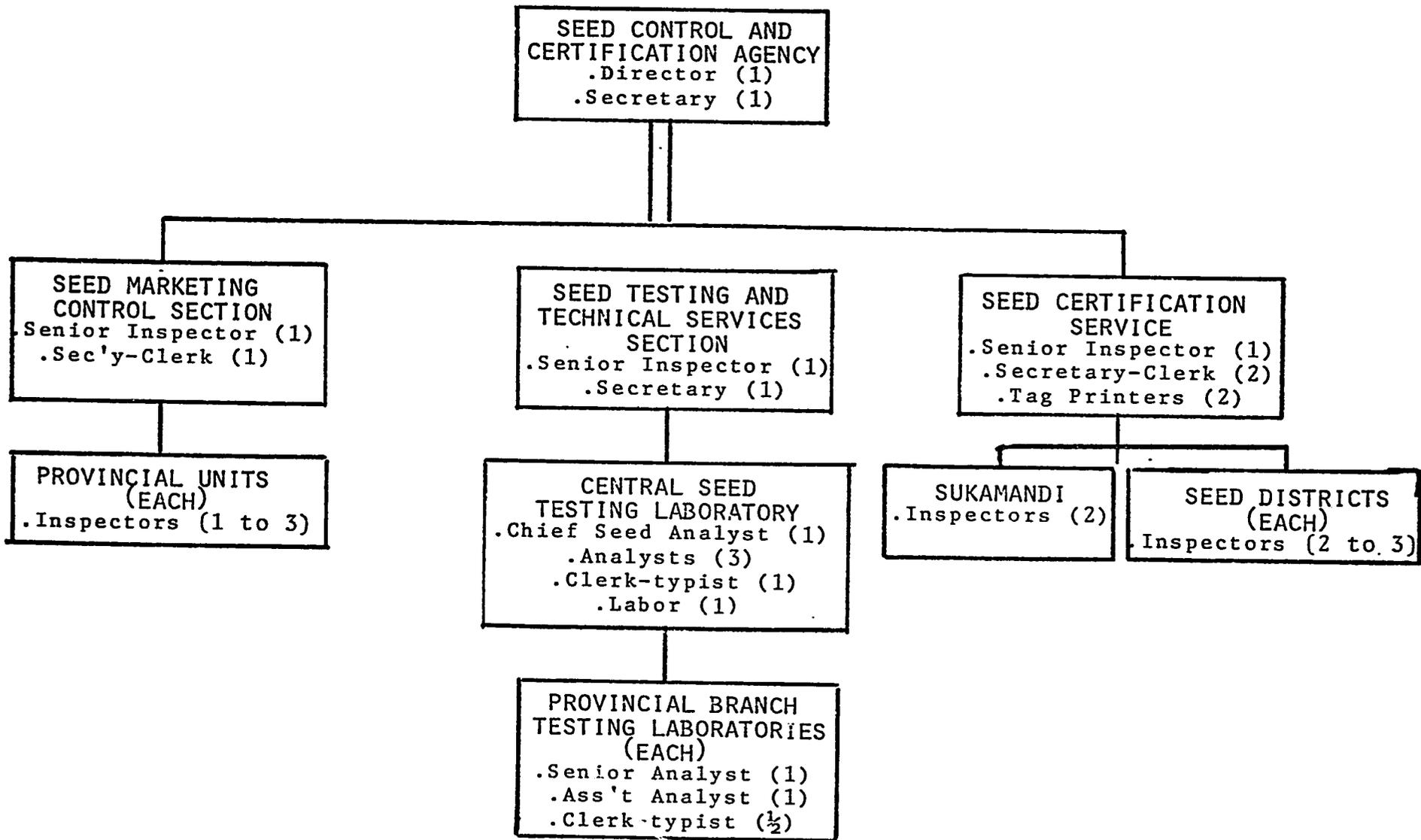


CHART 1

- C. Other, temporary licensed seed inspectors in each province as needed (training will be necessary). Some of seed certification inspectors could serve as seed control inspectors during slack periods under supervision of Senior Inspector for seed control.
 - D. Office staff as needed at central headquarters and provincial offices.
4. Senior Inspector - Seed Testing and Technical Services, officed at location of Central Seed Testing Laboratory.
- A. Chief Seed Analyst, Central Seed Testing Laboratory
 - B. Three (3) trained seed analysts at Central Seed Laboratory plus labor for routine, non-skilled work.
 - C. Analyst-in-Charge, Provincial Seed Testing Laboratory (as needed).
 - D. One trained analyst (if needed), plus labor at any provincial seed testing laboratory established.
 - E. Office and/or clerical staff as needed for each unit.

Organization and staffing of the SEED CONTROL AND CERTIFICATION AGENCY will be the easiest part of implementing the seed legislation. Development of the Agency into a fully operational unit will be much more difficult but it must be accomplished if the Agency is not to be just another occupant in an organizational chart.

Development of the Agency into an effective, fully operational organization will require energetic, well-informed leadership, intensive training of personnel, unqualified support from the MOA level, and the cooperation of other Directorates and Agencies. The National Seed Board could be of great assistance in this connection, constituted as it will be of high level representation from the various organizations involved in agricultural

development. Maximum advantage should be taken of the advisory capacity of the National Seed Board in implementing the provisions of the seed legislation.

Suggested actions necessary to organize the SEED CONTROL AND CERTIFICATION AGENCY and develop it into a fully operational unit are given in the recommendations that follow.

Recommendations for Implementation of Legislation

1. Establish and organize a Seed Control and Certification Agency as per Chart 1. Logically, the Agency should be organized as a separate independent bureau, such as the Bureau of Legal Affairs, under the MOA. However, administratively there would be some advantages, mainly in the economy of personnel, for organizing the agency as a Directorate in the Directorate-General of Agriculture.
2. Staff the Agency by re-assignment of specialists presently involved in the various seed or seed-related projects or activities. Staffing should proceed from the top of organizational chart no. 1 downward; that is, the positions of Director, Seed Control and Certification Agency, and Senior Inspectors for Seed Marketing Control, Seed Testing and Technical Services, and Seed Certification Service should be filled with qualified personnel as soon as possible after final decision has been made on where and how to organize the Agency. In this way, direction and staff will be provided to

help plan for additional organization that will be needed as the seed project advances over the five-year period. Second priority for staffing should be the Central Seed Testing Laboratory. A Chief Seed Analyst and one or two additional analysts should be appointed at an early date so that the laboratory can be organized, equipped, and on-the-job training started. Additional personnel as justified by the advance of seed production and marketing should be appointed to complete the manning of the organizational structure. For example, it may be desirable at a quite early date to appoint two certification inspectors for the Sukamandi Station because seed production is already on-going at Sukamandi and it will probably come into full production somewhat sooner than the three seed districts. The latter can be provided with an inspector as the work begins and perhaps another inspector as the district comes into full production. Similarly, inspectors for seed marketing control should only be employed or appointed a few months in advance of decisions to declare the marketing of certain kinds of seed as regulated in specific provinces. These few months can be very profitably spent in training out of the central office and then at the beginning of the effective date of regulation of marketing of designated kinds and varieties of seeds in a province, the inspectors can be moved to stations in the provinces to implement and enforce the provisions of seed control legislation related to the marketing, labeling, etc. Finally, branches of the central seed testing laboratory should be established at the provincial or regional level only when

they are actually needed. This need can be anticipated and the one or two analysts needed to man a provincial seed testing laboratory can be trained at the Central Seed Testing Laboratory several months before the opening of the provincial laboratory.

3. As soon as the IBRD loan becomes effective specifications for seed testing, sampling and other related equipment that will be needed to fully implement the seed legislation should be prepared and purchases made. The IBRD loan contains provisions for funding of equipment, supplies, and materials needed for implementation of the seed legislation. The present consultant and other staff of the Seed Technology Laboratory of Mississippi State University are willing to assist in selection of suitable equipment needed for seed testing, seed sampling, and other activities, and preparation of equipment specifications as soon as the loan becomes final and a determination is made as to the level of funds that will be allocated for implementation of the Seed Control and Certification Agency.

4. Priority for technical equipment should be given to the Central Seed Testing Laboratory. Equipment that is already available in Indonesia and other equipment that might be purchased with funds available in excess of the real needs of the Central Seed Testing Laboratory should be collected and used to equip any provincial or regional laboratories as the need arises for their establishment.

5. Detailed and specific regulations, standards of procedures for certification of varieties declared to be eligible for certification by the National Seed Board should be drafted, reviewed, finalized, and promulgated as soon as the National Seed Board has made a determination on eligibility of varieties. As previously stated in this report, we will be happy to review these specific standards and procedures and to assist in their preparation as requested.

6. One of the best controls available to the seed certification service is control of the distinctive certification tags or labels. Thus, the seed certification service should be prepared to issue distinctive labels in the number needed to label each container of each seed lot certified. These tags should not only be distinctive indicating the class of seed certified, but also bear thereon all the information required for labeling of seeds by seed marketing controls or, in the absence of seed marketing controls, the information that should ordinarily be on a seed label.

7. Successful implementation of the provisions of the seed legislation will depend in large measure on the training and competence of the inspectors and analysts responsible for its implementation. Training, therefore, should receive high priority in the overall development of the Seed Control and Certification Agency. There are several specialists already trained in seed testing in Indonesia and they could be most effectively used to organize training courses for personnel that will be

involved in seed testing. Similarly, several specialists have received excellent training at IRRI in field inspection of rice and possible other crops. These specialists should also be used as instructors to train others in the techniques of field inspection and certification. One of the foreign specialists that will be stationed at Sukamandi under provisions of the IBRD loan will be a seed certification specialist. If a competent, experienced seed certification advisor is available, he will be of immense assistance in training and development of the essential confidence and expertise among the personnel and inspectors involved in seed certification. Initial training, regardless of how intensive and how prolonged, is not enough. Certification inspectors should be re-trained prior to the beginning of each inspection season on the identification and characteristics of varieties in the certification program. This type of training can best be accomplished in the test plots of a plant breeding or other agricultural research station. Seed analysts will have to continually improve their proficiency and expertise in identification of varieties by seed characteristics, of weed seed and other crop seeds, and all other material that is normally found in raw seed.

8. Implementation of the seed marketing control regulations of seed declared as regulated will probably be the most difficult. The registration procedure for seed merchants provided in the legislation is rather simple; however, identification of seed merchants will not be easy. Identification of seed

merchants will involve visits and investigations throughout the province or region wherein seed are declared as regulated. This will not only serve to initially identify seed merchants so they can be registered as required, but will also identify the normal trade channels in which seed are marketed, and, thus, of great value in enforcement of the seed marketing regulations. The seed control inspectors can schedule periodic visits to the sites of seed marketing and places of business of seed merchants so that they can take samples to determine whether the seeds are in compliance with the provisions of the seed marketing regulations. My advice on control of seed marketing is to proceed slowly, to take one step at a time, but to take that step firmly if it is in the best interests of overall agriculture development in Indonesia. In several instances in this report I stated rather emphatically that control seed marketing should be restricted to those kinds of seeds whose control is in the best interests of agriculture in Indonesia. At present marketing controls might be justified in selected provinces for rice, corn and possibly, soybeans.

9. Good dependable transportation should be provided to both the seed certification and seed control inspectors. They cannot be expected to do their job if they have to depend upon other agencies for their transportation. Motor bikes, in most situations, could adequately serve as transportation for the seed control and certification inspectors.

10. Initially, the support of the Seed Control and Certification Agency will have to be provided from funds deriving from the IBRD loan and direct appropriations. As the program advances, however, fees for certification inspections and certified seed tags, and charges for seed testing should be assessed to generate a sizeable portion of support funds needed.

11. After the program is established for 1 year, the services of a seed control and certification consultant should be obtained for a review of the organization and operations. Thirty days consultation services should be sufficient.

12. Locations for SEED CONTROL AND CERTIFICATION AGENCY offices have been indicated in a general way. Specific suggestions on locations follow:

- a. Main Offices - Djakarta
- b. Central Seed Testing Laboratory - Muara/Bogor (LP-3) or Djakarta. Muara has excellent physical facilities and arrangements.
- c. Seed Marketing Control Inspection Units - location should be convenient in terms of Inspectors being able to cover territory with minimum travel. However, it is recognized that availability of government housing and offices, and communications may dictate a less convenient location.
- d. Certification Inspection Stations - locations should be within the seed districts serviced, and at Sukamandi.

APPENDICES

APPENDIX I

ITINERARY - DELOUCHE

<u>Thursday, March 11</u>	<u>Conferences/Activity</u>	<u>Place</u>
1455	Ar Djakarta	Res. Wisma Pertamina
<u>Friday, March 12</u>		
0800 - 1000	AID/AGR - Smith personnel processing, briefing, etc.	USAID OFFICE
1000 - 1:130	Mr. Cook, orientation and continuation of briefing	" "
1300 - 1400	Mr. Diatijanto and Mr. Cook, briefing	" "
1400 - 1600	AID/AGR, continue briefing	" "
<u>Saturday, March 13</u>		
0800 - 0930	Mr. Sidarto S. H. Head, Bureau of Legal Affairs, <u>conf.</u>	Djl. Iman Bondjol
1000 - 1100	Mr. A. Wazir Dir. of Production Development/Secretary B. P. Bimas, <u>conf.</u>	Pasar Minggu
1100 - 1300	Mr. Djatijanto Discussion on Seed Law/Regulation, and future itinerary, <u>conf.</u>	" "
<u>Sunday, March 14</u>	Rest	

	<u>Activity</u>	<u>Place</u>
<u>Monday, March 15</u>		
0700 - 0830	Djk to Bogor	
0830 - 1030	Meet Director of CRIA and staff. Discuss Seed Law/Regulation	LP-3Bogor
1045 - 1230	See Seed Testing Lab and Research facilities	Muara/Bogor
1230 - 1330	Lunch	Bogor
1330 - 1500	Bogor to Djk	
1500 - 1600	Mr. Sadik	Pasar Minggu
<u>Tuesday, March 16</u>		
0700 - 0930	Djk to Sukamandi	
0930 - 1530	Meet Director of Lembaga Sang Hyang Seri, observe facilities, discuss Seed Laws/Regulations	Sukamandi
1530 - 1730	Sukamandi to Djk	
<u>Wednesday, March 17</u>		
0800 - 1000	Meeting with Mr. A. Wazir, Mr. Djatijanto, Mr. Sadik, Mr. Prabowo, and others of the working group to discuss observations and conversations of past few days, and to discuss needs of resource material, supplies and personnel assistance to begin drafting Seed Laws/Regulations, etc.	Pasar Minggu
1300 - 1515	Djk to Semarang (via plane)	

	<u>Activity</u>	<u>Place</u>
<u>Thursday, March 18</u>		
0800 - 0930	Meet with Inspector and pertinent staff to discuss current seed situation and future needs, Seed Laws/Regulations, etc.	Semarang
0930 - 1230	Semarang to Tegalgondo (Visit seed farm near Salatiga)	
1230 - 1330	Visit Tegalgondo Seed Farm	Tegalgondo
1345 - 1445	Lunch near Solo	
1445 - 1600	Meet with agricultural officials at Solo to discuss current seed situation and future needs	Solo
<u>Friday, March 19</u>		
0800 - 0900	Solo to Klaten	
0900 - 1000	Meet with agricultural officials at Klaten to discuss needs of Seed Laws/Regulations, etc.	Klaten
1000 - 1200	Visit seed farms including village seed farms	Klaten area
1200 - 1300	Lunch and discussion of observations and needs with Klaten/Solo Agr. officials	Klaten
1300 - 1400	Klaten to Jogjakarta Airport	
1400 - 1500	Check in and wait for plane	Jogjakarta Airport
1500 - 1555	Jogjakarta to Djakarta	

	<u>Activity</u>	<u>Place</u>
<u>Saturday, March 20</u>		
0800 - 1000	Meeting with Mr. A. Wazir and working group to discuss working plans, etc.	Pasar Minggu
1000 - 1300	Check working arrangements facilities, make final preparations, appointments, etc.	" "
<u>Sunday, March 21</u>		
	Free	
<u>Monday, March 22 thru Thursday, March 25</u>		
	Draft of seed laws with assistance of working group	Pasar Minggu
<u>Friday, March 26</u>		
	Proof and reproduce draft for review and discussion and distribute to USAID, IBRD, Directorate General of Agriculture, Bureau of Legal Affairs, etc.	" "
<u>Saturday, March 27</u>		
0700 - 0830	Djk. to Bogor	Bogor
0930 - 1015	Director General Sadikin, conf.	
1030 - 1400	Visit vegetable growing area in mountains near Bogor	
1400 - 1600	To Djk.	
<u>Sunday, March 28</u>		
	Free	
<u>Monday, March 29</u>		
0800 - 1200	Working group reviews draft seed laws/regulations with Bureau of Legal Affairs (Mr. Sidarto), Mr. Wazir, Mr. Djatijanto, and Mr. Hadi of Res. Inst. for Horticulture. Revise as needed	Pasar Minggu

	<u>Activity</u>	<u>Place</u>
<u>Monday, March 29 cont'd</u>		
1200 - 1400	Make revisions in drafts as needed	
<u>Tuesday, March 30</u>		
0800 - 0930	Continue work on revisions of drafts and distribute copies	Pasar Minggu
1000 - 1100	Mr. Manning, IBRD, Conference	Djakarta
1100 - 1400	Complete final drafts and present to USAID, and Mr. Wazir	Pasar Minggu
<u>Wednesday, March 31</u>		
0700 - 0800	Djk. to Bogor	
0930 - 1030	Dr. J. Murdock, conf.	Agr. Faculty, Bogor
1100 - 1230	Dr. R. Jackson, IRRI conference	LP-3, Bogor
1300 - 1430	Bogor to Djk	
<u>Thursday, April 1</u>		
1000 - 1400	Debriefing	Agr/USAID
2030	Lv. Djakarta for USA	
<u>Saturday, April 3</u>		
	Arr. State College, Mississippi	

DRAFT.

DECREE OF THE PRESIDENT OF THE REPUBLIC OF INDONESIA

NO:

CONCERNING

THE GUIDANCE OF SEED INDUSTRY DEVELOPMENT,
THE MARKETING, AND THE CERTIFICATION OF SEED.

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- CONSIDERING :
- a. That within the framework of increasing agricultural production, improved seed play a very important role;
 - b. That in order to achieve the objective of increased agricultural production, a consistent supply of high quality seed of improved crop varieties must be attained and guaranteed;
 - c. That based on considerations mentioned above guidance is needed for the orderly development of a seed industry, farmers need to be protected against the consequences of low quality seed of unimproved varieties, seed producers need guidance and assistance in their efforts to produce, process, distribute and market high quality seed of the improved varieties, and the activities of seed merchants must be regulated as necessary to achieve these goals.

- IN VIEW OF :
1. Article 4, Paragraph (1) of the 1945 Constitution;
 2. The MPRS (Senate) Decree No. XXIII/MPRS/1966;
 3. The Presidential Decision No. 319 of the year 1968;
 4. The Presidential Decision No. 183 of the year 1968;
 5. The Presidential Decision No. 184 of the year 1968;

HEREBY DECIDES:

- TO STIPULATE : The actions that will be taken to ensure that high quality seed of improved varieties are available to the farmers as follows:

CHAPTER 1

GENERAL TERMS AND DEFINITIONS

Article 1

1. In this Presidential Decision, unless otherwise specified, the meaning of terms used shall be as follows:
 - a. "Seed" means the seed used for sowing of food, fodder, oilseed, estate, vegetable and fruit crops and includes also vegetative parts and/or organs used for propagating same.
 - b. "Agriculture" includes all activities involved in the cultivation, production and marketing of food, fodder, estate, horticultural, fruit and industrial crops.
 - c. "Minister" means the Minister of Agriculture.
 - d. "Seed marketing" refers to the transport, distribution and sale of seed and includes storage of seed in transit and at the market place.
 - e. "National Seed Board" means the advisory board for seed industry development established pursuant to this Presidential Decision.
 - f. "Certification of Seed" means the certification by an officially sanctioned agency as defined in g. in such form as may be prescribed that the origin, multiplication, production, and distribution of a seed lot was in accordance with the procedures, regulations and standards of an Official Seed Certifying Agency.
 - g. "Official Seed Certification Agency" means the agency authorized and designated in this Presidential Decision and/or an agency so designated and sanctioned by the laws of a foreign country.
 - h. "Import or importation" means bringing into Indonesia seed from a place outside Indonesia.

- i. "Kind" means one or more related species or subspecies which singly or collectively is known by one common name; for example: paddy, corn, soybeans, peanuts, etc.
- j. "Variety" means a subdivision of a kind which is characterized by plant, growth, flower, fruit, seed, or other characteristics by which it can be differentiated from other sorts of the same kind; for example: PB5 paddy.
- k. "Registration" means the official and mandatory listing of persons, firms, and/or agencies engaged in marketing of regulated seed.
- l. "Label" means the display of written, printed or graphic information on seed quality and source affixed to or accompanying any seed lot whether in bulk or in containers, while labeling means the activities of preparing and affixing labels.
- m. "Seed lot" or "lot of seed" means a definite quantity of seed identified by a lot number or other identification mark, every portion or container of which is uniform for the quality factors represented on the label within permitted tolerances.
- n. "Container" means a box, sack, can, wrapper or other receptacle in which seed are placed.
- o. "Seed control" means the regulation of seed marketing through compulsory labeling and establishment of minimum quality standards for seed marketing.
- p. "Seed merchant" means any person, firm, agency, or corporation engaged in the marketing of seed.
- q. "Regulated seed" means the kind and/or varieties of crops, whose seed are declared as subject to marketing regulation and control pursuant to the provisions of this Decree.
- r. "Origin" means the Province in which the seed were produced.
- s. "Pure seed", "other crop seed", "inert material", "weed seed", "germination percentage", "hard seed percentage", "tolerances" and other seed testing and labeling terms not defined herein are defined as in the International Rules for Seed Testing as adopted by the International Seed Testing Association and any subsequent amendments thereof, or additions thereto.

- t. "Treated" means that the seed have been given an application of a substance or subjected to a process designed to destroy or repel certain, disease organisms, insects, or other pests attacking or infesting seed or seedlings grown therefrom to improve their planting value or to serve any other purpose.
 - u. "Records" means the file of information which relates to the origin, germination, varietal identity and purity of each lot of regulated seed sold, offered for sale or exposed for sale, and includes seed testing reports, declarations or records pertaining to the seed, labels, sales, cleaning, blending, treating and storage, and a representative sample of the seed.
 - v. "Minimum standards" for seed marketing means the minimum standards of seed quality adopted for regulated seed pursuant to the provisions of this Decree.
 - w. "Breeder seed", "Foundation Seed", "Stock Seed", and "Extension Seed" are as defined in decisions promulgated pursuant to the provisions of this Decree.
 - x. "Processing" of seed means drying, cleaning, treating and packaging and other operations wherein seed are prepared for marketing.
 - y. "Stop sale order" means any written or printed notification or order given or issued by the Minister or his authorized agents to the owner or custodian of any lot of regulated seed directing him not to sell, offer for sale, or expose for sale such seed until the requirements of this Decree and Decisions promulgated pursuant to the provisions of this Decree shall have been complied with and a written release has been issued in the manner as prescribed by the Minister.
 - z. "Seed producer" means any person, firm, agency or corporation engaged in the production of seed for marketing and sowing purposes.
2. The meaning of other terms as are necessary for the implementation of this Presidential Decision will be as defined by the Minister.

CHAPTER II

ESTABLISHMENT OF A NATIONAL SEED BOARD

Article 2

The establishment of a NATIONAL SEED BOARD is hereby decreed to assist and advise the Government with planning and formulation of policies necessary for the effective and orderly development of a national seed industry.

Article 3

The MINISTER OF AGRICULTURE, as soon as may be after the promulgation of this Presidential Decree, shall organize said National Seed Board, and specify its management, functions and procedures, and promulgate the same in a decree under his authority. Provided, however, that any duties, procedures and organization prescribed shall conform to and include those specified hereinafter.

Article 4

1. The National Seed Board shall be constituted of high level representation from among the various Ministries, Directorates, Institutes, and other agencies, including those within the private sector, that are concerned with agricultural development in this country, but shall not consist of more than 10 members exclusive of the chairman and secretariat staff.
2. Duties and functions of the National Seed Board shall include, but not be limited to, advise and assistance to the Minister of Agriculture on:
 - a. Formulation of Ministerial and/or Directorial decisions related to the development of a seed program as herein provided for.
 - b. General regulations and procedures adopted for the control of seed marketing and for certification of seed and implementation thereof.
 - c. Regulations pertaining to importations of seed and their implementation.

- d. Procedures for the orderly and effective release of new and/or improved crop varieties, and discontinuation of obsolete varieties in the national agricultural programs.
- e. Participation of private enterprises in the national seed program.

CHAPTER III

REGULATION OF SEED MARKETING

Article 5

The Minister of Agriculture is hereby empowered to regulate the marketing of specific kinds and/or varieties of seed, in certain provinces of Indonesia or subdivisions thereof, as he deems to be in the national interest, by promulgation of reasonable rules, regulations, and procedures pertaining thereto.^{1/}*

Article 6

1. Before adopting and promulgating rules, regulations and procedures for the marketing of seed as authorized under Article 5, the Minister will obtain the advise of the National Seed Board.
2. Rules, regulations and procedures for control of the marketing of seed will be promulgated by decree of the Minister and will become effective upon publication in the Berita Negara Republik Indonesia (National Gazette).
3. The kinds and/or varieties of seed (crops) that are to be regulated, and the provinces or subdivisions of the country thereof, where regulation and control will be in force, will be specified by the Minister.^{2/}

* See explanatory notes at end of Decree.

Article 7

Regulation of the marketing of seed will be confined to the following:

- a. Registration of merchants and distributors engaged in marketing of seed kinds and/or varieties, declared as regulated, and in provinces or subdivisions thereof as stipulated by Ministerial Decision. 3/
- b. Requirements for the compulsory labeling of seed declared as regulated that are for sale as to composition, quality and source of the seed. 4/
- c. Establishment of minimum quality standards for regulated seed offered for sale, and maximum sizes of seed lots. 5/
- d. Procedures that will be followed by all persons and/or agencies engaged in marketing of regulated seed to obtain the information required for labeling of seed lots. 6/
- e. Such administrative and technical procedures and actions as are necessary for the effective implementation and enforcement of seed marketing regulations, to include sanctions and penalties for violations of provisions of the regulations.

Article 8

1. For the purposes of carrying out the provisions of Chapter III, Article 5, 6, and 7, of this decree, the Minister will establish and support a SEED CONTROL AND CERTIFICATION SECTION in the Directorate General of Agriculture.
2. The Seed Control and Certification Section will be administered by a Director appointed by the Director General of Agriculture and will include such other technical and administrative staff as required for its effective functioning, and it may establish laboratories and/or inspection units under its control in various provinces of subdivisions thereof.
3. The Seed Control and Certification Service will not actively engage in the production and marketing of seed, nor will any of its staff be so engaged.

CHAPTER IV

SEED CERTIFICATION AGENCY

Article 9

The Minister of Agriculture is hereby empowered to establish, organize and support an official SEED CERTIFICATION AGENCY within the Seed Control and Certification Section as specified in Chapter III, Article 8, and to adopt and prescribe administrative and technical regulations, standards and procedures for the certification of seed of those kinds and/or varieties of crops in such provinces of the country or subdivisions thereof, as he deems to be within the interests of agriculture in the country.

Article 10

1. The purpose of seed certification shall be to maintain and make available to the farmers, seed on superior crop varieties so produced and distributed as to maintain a high degree of varietal purity and quality.
2. Certification of seed shall be a service to seed producers which they may or may not use at their option. 7/
3. Certification of seed shall be confined to superior varieties of crops approved by the CROP VARIETY REVIEW AND RELEASE COMMITTEE of the National Seed Board. 8/

Article 11

1. The Minister will consult with the National Seed Board before:
 - a. Establishing and organizing the Official Seed Certification Agency.
 - b. Adopting and prescribing the general regulations and procedures for the certification of seed.
 - c. Determining the seed of crop kinds and/or varieties that are to be eligible for certification, and provinces in the country or subdivisions thereof, in which the certification service is to be offered. 9/

- d. Establishing fees as may be necessary for services provided to seed producers. 10/
2. The Minister may delegate authority for the formulation and adoption of the specific and technical regulations and standards for certification of the various crop kinds and/or varieties to the DIRECTOR GENERAL OF AGRICULTURE, which will, however, conform to the General Regulations promulgated by the Minister.

Article 12

1. The Seed Certification Agency will be administered by a Director, who will be the principal inspector of the Seed Control and Certification Section (Chapter III, Article 8 this decree).
2. The Seed Certification Agency may establish inspection units under its central control in the various provinces and/or subdivisions thereof as necessary to carry out its work.
3. In the interests of economy, the Seed Control and Certification Section will be organized so as to make maximum use of its seed analysts, seed inspectors and other personnel for both the control of seed marketing (Chapter III) and Seed Certification (Chapter IV), and to minimize duplication of effort.
4. The general procedures of the Seed Certification Agency and the general certification standards adopted will be in conformity with the general pattern and meaning of seed certification as accepted internationally.

Article 13

The Seed Certification Agency authorized in this decree shall be the only Seed Certification Agency in Indonesia.

CHAPTER V

STANDARDS FOR IMPORTED SEED

Article 14

The Minister of Agriculture is hereby empowered to establish reasonable quality standards for imported seed, taking into account such standards as are already in effect under the Bureau of Plant Quarantine Regulations. 11/

Article 15

1. In establishing minimum quality standards for imported seed the Minister will consult with the Ministry of Trade and the National Seed Board.
2. Minimum standards prescribed for imported seed will be confined to standards for germination percentage, varietal identity, purity, and restrictions on contaminating weed seed which if introduced may be detrimental to Indonesian agriculture.
3. Enforcement of standards for imported seed will be the responsibility of the Bureau of Plant Quarantine, which will utilize the technical services available in the Seed Control and Certification Section of the Directorate General of Agriculture in determining whether imported seed meets minimum standards. 12/

CHAPTER VI

SETTLEMENT OF DISPUTES

Article 16

In cases of disputes arising from the implementation of any of the provisions contained herein, the disputers may request a decision from the Minister.

CHAPTER VII

TRANSITIONAL PROVISION

Article 17

All matters not sufficiently covered in this Presidential Decree shall be as interpreted and determined afterwards by the Minister of Agriculture.

CHAPTER VIII

EFFECTIVE DATE OF DECREE

Article 18

This Decree is in force as from the date of enactment.

16

ENACTED IN: DJAKARTA

DATE:

President of the Republic of Indonesia

SOE HARTO
(T.N.I. General)

EXPLANATORY NOTES

1/The purpose of the wording of this article is to make explicit the intent that marketing of only the most important seed kinds and/or varieties are to be regulated. For example, marketing of the seed of the high yielding varieties of rice might be regulated in all three provisions of Java, while, in addition, marketing of seed of improved corn varieties might also be regulated in East Java.

Seed marketing legislation enacted by many developing countries encompasses all kinds of seed and is impossible to implement. Such broad, all-encompassing legislation is totally unnecessary in the context of agricultural development and its potential benefits are almost inconsequential. Since broad seed legislation is impossible to implement, the law simply takes up space in the statute books which fosters disrespect for and cynicism about laws in general. It is our strong belief that it is much better to have no law at all than one that cannot or will not be implemented and enforced.

Limitation of seed regulatory activities to the most important kind of seed (crop and varieties) in the more advanced provinces will best serve agricultural development by permitting implementation and enforcement of its provisions.

2/Careful consideration should be given to determination of the seed kinds and/or varieties that need to be regulated at the marketplace, and the provinces wherein such regulation is needed and is feasible.

3/Compulsory registration of seed merchants engaged in marketing regulated seed will (a) identify, and establish and maintain contact with active agents in the seed trade, and (b) provide a very effective penalty for non-compliance with other provisions of the seed marketing decree (cancellation of registration which will effectively prohibit a person, firm, or agency from marketing regulated seed).

4/ This provision follows the truth-in-labeling philosophy of enlightened product regulatory law making.

5/ Establishment of minimum standards is not inconsistent with the truth-in-labeling philosophy. The standards should be reasonable and not too high.

6/ This provision when amplified will require that regulated seed offered for sale be tested by the laboratory(ies) of the Seed Control and Certification Section.

7/ Certification will be voluntary as it should be. Compulsory certification is nothing more than thinly disguised, rather heavyheaded government control of seed production, processing, storage, distribution and marketing.

8/ Certification has the purpose of making available seed of superior varieties to farmers. There is no good reason to waste time and resources certifying a lot of run-of-the-mill varieties or kinds.

9/ Certification services should be offered to seed producers only in areas that are accessible to the inspectors.

10/ Certification, when it becomes on-going, should be an essentially self-supporting service. Thus, seed producers will have to pay for the services rendered in the form of fees or charges for seed labels (tags).

11/ Vegetable seed is the major kind of seed imported. A survey should be conducted of the germination quality and field performance (including varietal purity) of imported vegetable seed to provide a basis for establishment of import standards and regulations.

12/ The Bureau of Plant Quarantine will take samples of imported seed, transmit same to the Seed Control and Certification Testing laboratory for tests, and then take action in accord with reports received from seed testing laboratory.

DRAFT

LETTER OF DECISION OF THE MINISTER OF AGRICULTURE

No.

CONCERNING

THE MEMBERSHIP, ORGANIZATIONAL STRUCTURE, MANAGEMENT
AND DUTIES OF THE NATIONAL SEED BOARD.

THE MINISTER OF AGRICULTURE

CONSIDERING: That within the framework of implementing the provisions decreed in Chapter 11, Articles 2, 3, and 4 of the PRESIDENTIAL DECREE NO. _____, it is necessary to establish a NATIONAL SEED BOARD, and to prescribe its membership, organizational structure, management, and duties.

- IN VIEW OF:**
1. The Presidential Decision No. 183 of the year 1968;
 2. The Presidential Decision No. 184 of the year 1968;
 3. The Presidential Decision No. 319 of the year 1968;
 4. The Presidential Decision No. 24 of the year 1970;
 5. The Presidential Decision No. _____ ;
 6. The Letter of Decision of the Minister of Agriculture No. 284/Kpts/Org/8/1969;
 7. The Letter of Decision of the Minister of Agriculture No. 285/Kpts/Org/8/1969.

HEREBY DECIDES

TO STIPULATE: THE MEMBERSHIP, ORGANIZATIONAL STRUCTURE, MANAGEMENT, AND DUTIES OF THE NATIONAL SEED BOARD, AS FOLLOWS:

Article 1

GENERAL RESPONSIBILITY OF THE BOARD

The National Seed Board is responsible to the Minister of Agriculture, and shall advise him on the planning, formulation of policy, and other matters as necessary for the orderly development of a seed industry in Indonesia.

Article 2

MEMBERSHIP AND DIRECTION

1. The membership and direction of the National Seed Board is as follows:

CHAIRMAN: Director General of Agriculture

DEPUTY CHAIRMAN: To be selected by the Board at its first Meeting.

SECRETARY: Ex Officio Executive Officer of Board appointed by Chairman.

- MEMBERS:
- (1) Representative from Ministry of Trade appointed by Minister of Trade.
 - (2) Secretary of BIMAS Control Body or his designated representative.
 - (3) Representative of BAPPENAS appointed by Chairman of the BAPPENAS.
 - (4) Representative of BANK OF INDONESIA appointed by Governor of Bank of Indonesia.
 - (5) Representative of Ministry of Home Affairs appointed by Minister of Home Affairs.

- (6) Representative of Agriculture Cooperative Center appointed by the Chairman, Agriculture Cooperative Center.
 - (7) Director of Central Research Institute of Agriculture.
 - (8) Director President of PERUM San Hyang Seri.
 - (9) Director of Plant Breeding Station, Sukamandi.
 - (10) Chief Inspector, Seed Control and Certification Section.
2. Membership of the Board that is designated by specific position is permanent; representatives from Ministries and other Agencies or Institutions appointed by the principal Administrator of said organizations will be appointed for 5 year terms after which the appointing officer may re-appoint the same representative or another representative at his discretion.

Article 3

ORGANIZATION AND MANAGEMENT

- 1. The National Seed Board shall be constituted and hold its initial meeting within 30 days from the effective date of this Ministerial Letter of Decision. Thereafter, the Board may meet as called by the Chairman, but at least once each calendar year.
- 2. The meetings of the Board will be conducted in accordance with procedures and rules of order formulated at its first meeting and approved by a majority of its members and the Minister of Agriculture.
- 3. A Secretariat headed by a Secretary appointed by the Chairman and such assistants as are necessary, shall be established for the effective administration of the Board.
- 4. The Secretary will be responsible to the Chairman of the Board for the good administration of its activities.

5. The Board may, for the purpose of effectively carrying out its duties, establish technical committees and/or task forces. Members of technical committees and task forces established by the Board will be appointed by the Chairman and may include persons that are not members of the Board; provided, however, that the Chairman of any Committee or Task Force will be a member of the Board. The Secretary of the Board or his designated assistant will serve as recording secretary and administrative officer of any technical committee or task force so established.

Article 4

DUTIES OF THE NATIONAL SEED BOARD

1. The general duty and responsibility of the Board is as stated in Article 1.
2. Specific duties shall include the advice and assistance to the Minister of Agriculture and his subordinates in the following areas:
 - a. Formulation of decrees and letters of decision related to the development of the various elements of a seed program and activities related thereto.
 - b. General regulations and procedures adopted for the control of seed marketing and for certification of seed and implementation thereof.
 - c. A system and procedures for the orderly and effective release of new and/or improved crop varieties, and discontinuation of obsolete varieties in the nation agricultural program. This duty will require establishment, within the framework of the National Seed Board, of a VARIETY REVIEW AND RELEASE COMMITTEE, which under the guidance of the Board, will formulate procedures for the nomination, review, approval, release, entry and discontinuation of crop varieties in the National agricultural development program. Upon adoption of workable variety review and release procedures by the Board and their approval and promulgation by the Minister of Agriculture, the Committee will function as a technical advisory body to the Board on matters related to approval of release or discontinuation of nominated crop varieties.

- d. The National Seed Board will make recommendations to the Minister for the release and/or discontinuation of crop varieties in accord with general procedures given in paragraph (2) c. Article 4 and will establish and maintain a list of crop varieties eligible for certification recommended by the Board and approved by the Minister.
 - e. Formulation of detailed regulations and procedures for the implementation of controls on seed marketing and seed certification as may be requested by the Minister of Agriculture, Director General of Agriculture or the Director, Seed Control and Certification Section.
 - f. Encouragement of and recommendations of incentives for the entry and participation of private enterprise in the National Seed program.
 - g. Such other duties as may be prescribed.
3. The National Seed Board shall function as a final appeal board on disputes and other contests arising from implementation of any decisions or decrees related to release and discontinuation of varieties, control of seed marketing, regulation of seed importations, and certification of seed.

Article 5

WORKING PROCEDURES OF NATIONAL SEED BOARD

- 1. Meeting of the Board and actions taken therein will conform to the procedures and rules of order adopted under Article 3, paragraph 2.
- 2. The Secretary acting under the guidance of the Chairman will develop a proposed agenda for each scheduled or called meeting and disseminate same to all members as much in advance of the meeting as possible but at least 10 days in advance. On the motion to adopt the agenda, items may be added to it provided a majority of the members concur.

Article 6

EXPENSES OF THE NATIONAL SEED BOARD

All expenses of the National Seed Board will be burdened to the budget of the Directorate General of Agriculture.

Article 7

TRANSITIONAL PROVISION

Matters that have not been sufficiently covered in this Letter of Decision shall be further regulated and determined by the Minister.

Article 8

EFFECTIVE DATE OF DECISION

This Letter of Decision is in force as from the date of enactment.

ENACTED IN: DJAKARTA

DATE:

MINISTER OF AGRICULTURE
(Prof. Dr. Ir. Tojib Hadiwidjaja)

DRAFT.

LETTER OF DECISION OF THE MINISTER OF AGRICULTURE

NO:

CONCERNING

THE CONTROL AND REGULATION OF SEED
MARKETING AND THE CERTIFICATION OF SEED.

THE MINISTER OF AGRICULTURE

CONSIDERING: That within the framework of implementing the provisions decreed in Chapter III Articles 5, 6, 7, and 8 and Chapter IV Articles 9, 10, 11, 12, and 13 of the PRESIDENTIAL DECREE No. , it is necessary to prescribe procedures, regulations and standards for the control of seed marketing and the certification of seed, to further define same, to provide for inspections thereof, to establish a responsible agency therefor , and to stipulate its organization, duties, and working procedures, and for other matters connected therewith.

- IN VIEW OF:
1. The Presidential Decision No.
 2. The Presidential Decision No. 183/1968;
 3. The Presidential Decision No. 184/1968;
 4. The Letter of Decision of the Minister of Agriculture No. 284/Kpts/Org/8/1969;
 5. The Letter of Decision of the Minister of Agriculture No. 126/Kpts/OP/4/1969..

HEREBY DECIDES:

TO STIPULATE: The Following Decisions Relating to the Regulation and Control of Seed Marketing and for the Certification of Seed.

CHAPTER 1

DEFINITIONS AND TERMS

Article 1

Wherever the following terms or similar terms are used herein, these shall have the following meaning unless the content clearly indicates otherwise:

- a. "Seed" means the seed used for sowing of food, fodder, oilseed, estate, industrial, vegetable and fruit crops and includes also vegetative parts and/or organs used for propagating same.
- b. "Agriculture" includes all activities involved in the cultivation, production and marketing of food, fodder, estate, horticultural, fruit and industrial crops.
- c. "Minister" means the Minister of Agriculture.
- d. "Seed marketing" refers to the transport, distribution and sale of seed and includes storage of seed in transit and at the market place.
- e. "National Seed Board" means the advisory board for seed industry development established pursuant to Presidential Decree.
- f. "Certification of Seed" means the certification by an officially sanctioned agency as defined in g, in such form as may be prescribed, that the origin, multiplication, production, and distribution of a seed lot was in accordance with the procedures, regulations and standards of an Official Seed Certifying Agency.
- g. "Official Seed Certification Agency" means the agency so authorized and designated by Presidential Decree and in this Decision and/or agency so designated and sanctioned by the laws of a foreign country.
- h. "Import or importation" means bringing into Indonesia seed from a place outside Indonesia.

- i. "Kind" means one or more related species or subspecies which singly or collectively is known by one common name; for example: paddy, corn, soybeans, peanuts, etc.
- j. "Variety" means a subdivision of a kind which is characterized by plant, growth, flower, fruit, seed or other characteristics by which it can be differentiated from other sorts of the same kind; for example: PB5 paddy.
- k. "Hybrid" means the first generation of seed of a cross produced by controlling the pollination and combining:
(a) two or more inbred lines, or (b) one inbred line or a single cross with an open pollinated variety, or (c) two varieties or species, except open pollinated varieties of corn. The second generation and subsequent generations of such crosses shall not be regarded as hybrids.
- l. "Registration" means the official and mandatory listing of persons, firms, or agencies engaged in marketing of regulated seed.
- m. "Label" means the display of written, printed or graphic information on seed quality and source affixed to or accompanying any seed lot whether in bulk or in containers, while labelling means the activities of preparing and affixing labels.
- n. "Seed lot" or "lot of seed" means a definite quantity of seed identified by a lot number or other identification mark, every portion or container of which is uniform for the quality factors represented on the label within permitted tolerances.
- o. "Container" means a box, sack, can, wrapper or other receptacle in which seed are placed.
- p. "Seed control" means the regulation of seed marketing through registration of seed merchants, compulsory labeling and establishment of minimum quality standards for seed marketing.
- q. "Seed merchant" means any person, firm, agency, or corporation engaged in the marketing of seed.
- r. "Regulated seed" means the kind and/or varieties of crops, whose seed are declared as subject to marketing regulation and control pursuant to the provisions of this Decision.

- s. "Origin" means the Province in which the seed were produced.
- t. "Pure seed", "other crop seed", "inert material", "weed seed", "germination percentage", "hard seed percentage", "tolerances" and other seed testing and labeling terms not defined herein are defined as in the International Rules for Seed Testing as adopted by the International Seed Testing Association and any subsequent amendments thereof, or additions thereto.
- u. "Treated" means that the seed have been given an application of a substance or subjected to a process designed to destroy or repel certain disease organisms, insects, or other pests attacking or infesting seed or seedlings grown therefrom to improve their planting value or to serve any other purpose.
- v. "Records" means the file of information which relates to the origin, germination, varietal identity and purity of each lot of regulated seed sold, offered for sale or exposed for sale, and includes seed testing reports, declarations or records pertaining to the seed, labels, sales, cleaning, blending, treating, and storage, and a representative sample of the seed.
- w. "Minimum standards" for seed marketing means the minimum standards of seed quality adopted for regulated seed pursuant to the provision of this Decision.
- x. "Breeder seed", "Foundation Seed", "Stock Seed", and "Extension Seed" are as defined in Annex 3 to this Decision.
- y. "Processing" of seed means drying, cleaning, treating and packaging and other operations wherein seed are prepared for marketing.
- z. "Stop sale order" means any written or printed notification or order given or issued by the Minister or his authorized agents to the owner or custodian of any lot of regulated seed directing him not to sell, offer for sale, or expose for sale such seed until the requirements of this Decision shall have been complied with and a written release has been issued in the manner to be prescribed, provided, however, that such seed may be sold for non-sowing purposes.
- aa. "Seed producer" means any person, firm, agency or corporation engaged in the production of seed for marketing and sowing purposes.

CHAPTER II

APPLICATION OF PROVISIONS

Article 2

The Minister after consultation with the National Seed Board will specify the kinds and/or varieties of seed, the marketing of which is to be controlled and regulated, through publication of an Annex to this Letter of Decision in the Berita Negara Republik Indonesia (National Gazette) that will also include the Provinces or subdivisions thereof in which control will be exercised. These provisions will become effective at the time stipulated.

Article 3

The provisions relating to certification of seed as specified herein will apply to all the kinds and/or varieties of seed on the List of Crop Varieties Eligible for Certification as maintained by the National Seed Board and approved by the Minister, and for Provinces or subdivisions thereof as specified in the Listing.

CHAPTER III

CONTROL AND REGULATION OF SEED MARKETING

Article 4

REGISTRATION. Every Seed Merchant who sells, offers for sale, exposes for sale, distributes or solicits orders for the sale of seed of kinds and varieties declared as regulated under Article 2 and Annexes pertaining thereto shall be registered with the responsible agency designated in Article 10. Registration shall consist only of a listing of the name and address of the seed merchant on the official rolls of the responsible agency. ^{1/}*

Article 5

LABELING. Each container of regulated seed sold, offered for sale, or exposed for sale, or transported within a designated Province or subdivision thereof, or from one designated Province to another for seeding purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the National Language, giving the following information: ^{2/}

* See explanatory notes at end of Letter of Decision.

- a. The commonly accepted name of kind and variety of the seed.
- b. Lot number or identification mark.
- c. Origin (Province in which produced).
- d. Percentage (%) by weight of seed of the labeled kind and variety present in the lot; this portion shall be known as the pure seed.
- e. Percentage (%) by weight of the seed of other varieties and/or kinds in the lot.
- f. Percentage (%) by weight of seeds of weeds present in the lot.
- g. Percentage (%) by weight of inert matter present in the lot.
- h. Percentage (%) of germination by number of the pure seed, and the percentage (%) of hard seed by number if present.
- i. The calendar month and year in which the test was completed to determine germination and/or hard seed percentage (%).
- j. The name and address of the person, agency, company, or corporation who labeled or who sells, offers or exposes for sale such seed.
- k. For seed treated with fungicides, insecticides, or other chemicals.
 - (1) A statement on the seed label or separate label that the seed have been treated.
 - (2) The commonly accepted name of the substance used in such treatment.
 - (3) A caution statement in large type if the substance used for treatment in the amount residual on the seed is harmful to humans or other vertebrate animals. In addition, the accepted symbol for a poisonous substance must be printed on the tag if the substance is very toxic, along with the words "DO NOT USE FOR FOOD OR FEED".

1. The seed label will be in the general form as indicated in the rules and regulations promulgated pursuant to this Decision.

Article 6

TESTING OF SEED. The information required for labeling of seed under Article 5 that must be determined by testing of seed, will be based upon seed tests conducted at the Central Seed Laboratory, or Provincial branches thereof. ^{3/}

Article 7

RECORDS. Each seed merchant handling regulated seed subject to the provisions of this Decision and Annexes thereto, and/or amendments thereof, will maintain for a period of one (1) year a complete record of each seed lot handled and/or merchandized, such records to include seed testing reports, declarations or information pertaining to the seed, labels, and records of sales, cleaning, blending, ^{4/} treating, and storage, and a representative sample of the seed.

Article 8

PROHIBITIONS.

1. It shall be unlawful for any seed merchant to sell, offer for sale, or expose for sale seed of any regulated kind and/or variety in Provinces or subdivisions thereof in which such seed are declared as regulated:
 - a. Unless the seed merchant has been registered in accordance with Article 4;
 - b. Unless the test to determine the percentage of germination and/or hard seeds required under Article 5.h. shall have been completed within the period specified in the rules and regulations adopted pursuant to this Decision;
 - c. That are not labeled in accordance with provisions of Article 5, or having a false or misleading labeling or claim;
 - d. Pertaining to which there has been false or misleading labeling or advertising.

- e. Unless it conforms to the definition of a "Seed lot" or "Lot of Seed" as defined in Article 1;
 - f. That does not meet the minimum standards of quality prescribed in the rules and regulation adopted pursuant to this Decision.
2. It shall be unlawful for any person within a Province or Subdivision thereof where the marketing of specified kinds and/or varieties of seed are regulated and controlled:
- a. To detach, alter, deface or destroy any label provided for in this Decision or the rules and regulations promulgated thereunder in any manner so as to defeat their purpose and provisions;
 - b. To disseminate false or misleading advertisements in any manner concerning regulated seed;
 - c. To sell any seed labeled as "Foundation Seed, "Stock Seed", or "Extension Seed" unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of an Official Seed Certifying Agency as defined in Article 1; 5/
 - d. To sell seed represented as a hybrid unless such seed conforms to the definition of a hybrid as defined in Article 1; 6/
 - e. To hinder or obstruct the Minister or the authorized agents of the Minister in the performance of his duties in enforcement of the provisions of this Decision and regulations promulgated thereunder;
 - f. To fail to comply with a "stop sale" order on a seed lot properly issued by an authorized agent of the Minister.

Article 9

EXEMPTIONS. Seed of regulated kinds and varieties shall be exempt from the provisions of this Decision:

- 1. When produced by a farmer, or several farmers of a village for marketing and sale within the village, provided, however, that such seed are not exempt from the provisions of this Decision when transported to and offered for sale in another village or city; 7/

2. When marketed or sold for purposes other than seeding or sowing;
3. When seed are in transit to or stored at a seed drying, cleaning or processing establishment for drying, cleaning and processing.

Article 10

ENFORCING AGENCY

1. For the purposes of carrying out the provisions in Chapter III Article 5, 6, 7, 8, 9 of this Decree and rules and regulations promulgated thereunder, the Director General of Agriculture will organize a Seed Control and Certification Section, headed by a Director, who is hereby appointed as the authorized agent of the Minister for implementation and enforcement of these provisions.
2. The Director General of Agriculture is authorized to employ such qualified staff personnel as may be needed, to establish a Central Seed Testing Laboratory and provincial or regional branches thereof and staff and equip them, and a seed inspection unit and provincial or regional branches thereof, and staff and equip them, and to organize the Enforcing Agency in a manner such as is necessary for the effective implementation of these provisions.

Article 11

DUTIES OF ENFORCING AGENCY . It shall be the duty of the Director of the Seed Control and Certification Section acting either directly or through his designated staff:

1. To sample, inspect, make analyses of, and test regulated seed in provinces or subdivisions thereof as are designated, that are held in storage, sold, offered for sale or otherwise exposed for sale, or distributed for purposes of marketing, at such time and place and to the extent as deemed necessary to determine whether such seed are in compliance with the provisions of this decree, and to notify promptly the person, firm, company, agency, corporation or seed merchant who is marketing, offering for sale, or has sold, seed, of any violation;

2. To formulate reasonable rules and regulations governing the methods of sampling, inspecting, making analyses of seed, minimum standards of quality for regulated seed, and tolerances to be followed in the administration of this Decision, and any other rules and regulations as may be necessary for the effective implementation and enforcement of these provisions, and to recommend them to the Minister for promulgation in an Annex to this Decision;
3. Further, for the purpose of carrying out the provisions of this Decision, the Director or his designated staff is hereby authorized:
 - a. To enter upon any public or private premises where regulated seed are sold or offered for sale during regular business hours in order to have access to seed or records subject to this decree and the rules and regulations promulgated thereunder, and to take samples of seed or copies of records in conformity therewith;
 - b. To provide a seed testing service in the Central Seed Testing Laboratory and branches thereof for seed producers and seed merchants wherein they will have seed tested to obtain the information required for labeling under Chapter III, Article 5 of this Decision and rules and regulations promulgated thereunder, of for other purposes, and to establish fees for such testing as may be necessary;
 - c. To publish, in his discretion, the results of analyses, tests, examinations, field trials, and investigations of any seed sampled under provisions of this Decision;
 - d. To issue and enforce a written or printed "stop sale" order to the owner or custodian of any seed lot that he finds to be in violation of the provisions of this Decision and the rules and regulations promulgated thereunder, which order shall prohibit further sale or movement of such seed for seeding purposes until the enforcing officer has evidence that the provisions of this Decision have been complied with and a written release has been issued to the owner or custodian of said seed by an enforcement officer.

Article 12

PENALTIES. The principal penalties for violation of the provisions of this decree and rules and regulations promulgated thereunder shall be "stop sale" orders which will prohibit sale of the lot of seed in violation for seeding or sowing purposes until it is brought into compliance. In the case of repeated violations by the same person, firm, corporation, agency, company or seed merchant, the registration required under Article 4 for marketing of regulated seed may be cancelled.^{8/}

Article 13

SEVERABILITY PROVISION. If any article, paragraph, sentence, clause or word of this Decree shall become invalid by order of any court of competent jurisdiction or by amendment of this Decision, the same shall not affect the validity of any other article, paragraph, sentence, clause or word hereof.

CHAPTER IV

CERTIFICATION OF SEED

Article 14

PURPOSE OF CERTIFICATION. The purpose of seed certification shall be to maintain and make available to the farmers of Indonesia, seed of superior crop varieties so multiplied, produced and distributed as to maintain a high degree of varietal purity and be of otherwise good quality.

Article 15

GENERAL PROVISIONS

1. The Seed Certification Agency established pursuant to the terms and provisions of this decree will be the Official Seed Certifying Agency of Indonesia, and no other agency, person, institution, or corporation in Indonesia will be permitted to certify seed; provided, however, that seed certifications by Official Seed Certifying Agencies of other countries will be recognized for imported seed.^{9/}

2. The Seed Control and Certification Section established by the Director General of Agriculture, under Chapter III, Article 10 of this Decision, shall, in addition to its other prescribed duties, be the Official Seed Certifying Agency of Indonesia, and the Director of the Seed Control and Certification Section shall be its principal Administrative and Certifying Officer. The Director General of Agriculture is hereby authorized to employ such other personnel as are necessary for implementing these provisions.
3. The Official Seed Certifying Agency, under the leadership of its Director, will formulate rules, regulations, procedures, and standards for the certification of seed of crop varieties listed as eligible for certification in the list established and maintained by the National Seed Board and as approved by the Minister, and shall consult with the National Seed Board in the formulation of seed certification rules, regulations, standards, and procedures, which shall be consistent with the purpose of certification as stated in Article 14.
4. The rules, regulations, standards, and procedures for certification of seed will be promulgated by the Minister in Annexes to this letter of Decision.
5. Certification of Seed shall not be compulsory for seed producers or other persons who handle and market seed. Any seed producer, whether a person, firm, company, agency, institution or corporation, who desires to have seed of eligible crop varieties certified may apply to the Official Seed Certifying Agency for certification of such seed, provided, however, that any seed producer who applies for certification and is accepted, agrees to abide by and follow the rules, regulations, standards, and procedures adopted for the certification of seed. 10/
6. The Official Seed Certifying Agency shall receive and review all applications for certification of seed directed to it, provided, however, that it may prescribe reasonable qualifications for acceptance of applications of seed producers such as a minimum size of seed field, and/or a maximum distance from its inspection station nearest to the producers fields, availability of processing and cleaning facilities, and other reasonable qualifications. Such qualifications will be promulgated as part of the rules, regulations, procedures, and standards for certification of seed.

7. After satisfying itself that the applicant for certification and the seed to which his application is related are in compliance with the prescribed rules, regulations, and procedures, and meets the minimum quality standards specified for the seed, a certificate declaring the seed as certified will be issued in the forms of a report over the signature of the Director stating that the seed are certified for the specific class for which they are eligible, and distinctive labels in sufficient number to affix or attach one (1) to each container of seed of the seed lot certified. The certification process will be complete and the seed lot certified when the distinctive label is properly affixed to each container of seed in the seed lot.
8. Certification of any lot of seed may be revoked if the Director of his agents later determine that essential facts were misrepresented, or procedures were not complied with, during the certification process.
9. Certified seed of any class will conform to the marketing and labeling requirements established in Chapter III of this Decision for kinds and/or varieties of seed declared as regulated, and for Provinces or subdivisions thereof as designated, including the information required on seed labels; provided, however, that such labels may be distinctive as adopted for certification and bear other informations, markings, and representations pertaining to certification of the seed. 11/

CHAPTER V

EFFECTIVE DATE

Article 16

The effective date of this letter of Decision commences on the date of its enactment, and of the other matters to be promulgated in Annexes, or as Amendments, from the date of their promulgation and publication, or as otherwise stipulated.

ENACTED IN: DJAKARTA

DATE:

MINISTER OF AGRICULTURE
(Prof. Dr. Tojib Hadiwidjaja)

Explanatory Notes

- 1/ The registration procedure should be as simple as possible, perhaps, consisting only of completion of a short form giving name, address, and site of business. Assignment of a registration certificate for display by the merchant should be considered such as "REGISTERED SEED MERCHANT." Registration should be made renewable each year.
- 2/ The information required on the label by this provision is traditional.
- 3/ There are not likely to be any seed testing laboratories in Indonesia other than those of the Government. Requirement that information for labeling be obtained from official laboratories is also a good seed control device.
- 4/ This provision calls for the maintenance and file of ordinary business records on sales and purchases of seed, plus, technical records, such as processing records, test reports, etc., plus, a file sample of all seed lots marketed.
- 5/ This provision protects the seed certification program by prohibiting any unauthorized use of certified seed nomenclature on seed marketed.
- 6/ Hybrids are not presently of importance in Indonesia, but they're likely to be (sorghum). When they come into use, there will surely be misrepresentations about hybrids. Thus, this provision anticipates a situation that may develop.
- 7/ Visits through Central Java and discussions with many persons confirmed my suspicion that seed trade within a village cannot be regulated. Since it cannot be regulated, it is better to exempt in-village, farmer to farmer trade, from the regulations, than to include such trade under the regulations and ignore violation. Most seed laws in the U.S. have a "farmer exemption" clause which excludes seed marketing by farmers on their premises (no advertisement) to their neighbors from seed control regulations.
- 8/ Some thought must be given to a penalty for marketing of regulated seed by non-registered seed merchants, or by seed merchants whose registration has been cancelled because of repeated violations. I suggest that the penalty be a fine, substantial enough to make it unprofitable for a seed merchant to ignore the mandatory registration provision.

- 9/ There should be only one (1) seed certification agency in Indonesia and it should certify all seed for which certification is appropriate and not just rice. Of course, the certification agency will probably need to establish branches in the provinces.
- 10/ Certification is voluntary - a quality control service offered by the GOI to seed producers, which if properly performed, will give a marketing and price advantage/preference to certified seed. While the service is voluntary, the Agency has every right to exclude prospective seed producers who obviously are not qualified, and who do not have the facilities to produce quality seed.
- 11/ Certified seed of market regulated kinds and/or varieties should be subject to marketing regulations and inspections just as any other kind of seed (non-certified seed).

ANNEX NO. 1

TO LETTER OF DECISION BY MINISTER
OF AGRICULTURE
RULES, REGULATIONS AND PROCEDURES PERTAINING
TO CONTROL AND REGULATION OF THE MARKETING
OF SEED.

Under the provisions of Presidential Letter of Decision No.....
....., and Minister of Agriculture letter of Decision No....
....., I
Minister of Agriculture do hereby publish and order the following rules,
regulations and procedures for the control and regulation of the marketing
of seed as may be designated.

REGULATION NO. 1

Registration of Seed Merchants

Seed merchants who wish to engage in the marketing of regulated seed will apply by letter or in person for registration at the Seed Control and Certification Office nearest to their site of business, and will complete the prescribed registration form. Notification from the Director, Seed Control and Certification Section, that said merchant has been registered, is tantamount to permission to engage in marketing of regulated seed; provided, however, that the merchants abides by other provisions of seed marketing control regulations.

REGULATION NO. 2

Sampling and Analyzing Seed

The methods of taking, handling, analyzing, and testing samples of seed and methods of determination shall be the same as these adopted by the International Seed Testing Association, whose Secretariat is at Vollebekk, Norway, and as are subsequently amended, except that the purity analysis shall be based on one sample of at least the minimum weight specified for each seed kind.

REGULATION NO. 3

Tolerances

The tolerances applied to seed quality statements claimed on seed labels shall be the same as those published in the International Rules for Testing seed, and as amended.

REGULATION NO. 4

Germination Test Date

No regulated seed shall be sold, exposed for sale or marketed when a period of more thanmonths 1/* has elapsed, exclusive of the month in which the test was completed, between the germination test date and the time the seed are offered or exposed for sale.

REGULATION NO. 5

Responsibility for Obtaining Current Germination Test

The person, merchant, agency, firm, company or corporation upon whose premises seed are located will be held responsible for obtaining a new germination test and subsequently amending the analysis tags, when the test date exceeds the specified _____ months, exclusive of the month in which the seed were tested. 2

REGULATION NO. 6

Seed Quality Standards

No regulated seed shall be sold, exposed for sale or marketed that is lower in quality than the standards stipulated below:

Example only: 3

Kind

1. Paddy	minimum % pure seed	94%
	minimum % germination	70%
	maximum % weed seed	1%

* See notes at end of this Annex

2. Corn	minimum % pure seed	95%
	minimum % germination	75%
3. Soybeans	minimum % pure seed	95%
	minimum % germination	70%
	maximum % weed seed	1%

REGULATION NO. 7

Size of Seed Lots

Seed lots of regulated seed shall not exceed in net weight the maximum quantities specified below. 4/

	Maximum Lot Size
Paddy.....	_____ tons
Corn	_____ tons
Soybeans.....	_____ tons
Etc.	

REGULATION NO. 8

Identification and Size of Samples

Seed samples submitted to the Central Seed Testing Laboratory or its branch laboratories shall be of at least the following size: 5/

Example only:

Kind

1. Paddy 0.5 kg
2. Maize 0.5 kg
3. Soybeans 0.5 kg

REGULATION NO. 9

Fees for Testing

Seed samples submitted to the Central Seed Testing Laboratory and its branches, exclusive of samples taken by inspectors in enforcement of seed marketing regulations, shall be assessed a fee in accordance with the following schedule.

Example only: 6/

<u>Kind</u>	<u>Fee</u>
Paddy	Germination only Rs.
	Purity only..... Rs.
	Complete Test..... Rs.
Corn.....Etc.	

REGULATION NO. 10

Seed Labels

Seed labels used to display information required under compulsory labelling provision for regulated seed shall conform, in general, to the following style:

Weight _____	Net _____	Lot No. _____
Kind and Variety _____		
Pure Seed _____	%	Germination _____
Inert _____	%	Hard Seed _____
Weed Seed _____	%	Date Tested _____
Crop Seed _____	%	
Grown in (Province) _____		
NAME _____		
ADDRESS _____		
TREATMENT: * _____		

*May be placed on separate tag.

EXPLANATORY NOTES

- 1/ The period of validity of germination % on the seed label will have to be decided on in light of experiences in storing the different seed kinds in Indonesia. It certainly should not be just 1 month, nor should it exceed the normal period from completion of packaging and testing to the time the seed will be planted, plus 1 month to allow for variations in planting schedules.
- 2/ See above.
- 3/ Example only. Minimum seed standards should not be unrealistically high, and certainly not as high as those for certified seed. Certified seed should be something much above the usual quality of seed marketed. Suggest that standards be based in part on results of seed survey conducted by Research Institute at Bogor.
- 4/ Suggest maximum of 20 tons.
- 5/ Example only.
- 6/ Fees should be established for service testing work, including testing for certified seed, consistent with actual costs of service exclusive of administrative costs. Samples tested for enforcement of marketing regulations are part of GOI's regulatory activities and the expense is properly borne by the GOI.

ANNEX NO. 2

(EXAMPLE ONLY)

TO LETTER OF DECISION BY MINISTER
OF AGRICULTURE

DESIGNATION OF REGULATED SEED

Under provisions of Presidential Letter of Decision
. , and Letter of Decision of the Minister of Agriculture
. , I ,

Minister of Agriculture do hereby designate the kind and varieties of
seed regulated and in the Provinces specified as follows:

EXAMPLE ONLY*

Kind: PADDY.

Varieties: PB-5, C-4, PB-8.

Areas: Provinces of Central and West Java.

*NOTE: This Annex was prepared only as an example. Careful
consideration should be given to the kinds and/or varieties that
need to be regulated and in which Provinces.

ANNEX NO. 3

TO LETTER OF DECISION BY MINISTER
OF AGRICULTURE

REGULATIONS, PROCEDURES AND STANDARDS
FOR CERTIFICATION OF SEED

Under the Provisions of Presidential Letter of Decision
and Minister of Agriculture Letter of Decision ,
I , Minister of Agriculture do hereby publish and
promulgate the following regulations, procedures, and standards for the
Certification of Seed and the same shall be in force from the date of
publication of this Annex.

CHAPTER 1

GENERAL SEED CERTIFICATION
PROCEDURES AND STANDARDS

1.1. Application of General Standards and Procedures.

These general procedures and standards are applicable to all crop
seed eligible for certification and together with those specified
for individual kinds and/or varieties of crops shall constitute the
procedures and standards for certification of seed.

1.2. Certifying Agency.

Certification of seed produced in Indonesia shall be conducted by
the Seed Control and Certification Section established pursuant to
terms of Presidential Letter of Decision and Ministerial
Letter of Decision , and any branches thereof, and the
same shall be known as the Official Seed Certifying Agency of
Indonesia.

1.3. Definitions.

The following definition of the term variety (cultivar), as set forth in Article 5, International Code of Nomenclature for Cultivated Plants, applies throughout these standards.

- A. Variety - the term variety or cultivar denotes an assemblage of cultivated individuals which are distinguishable by any characteristic (morphological, physiological, cytological, chemical, or others) significant for the purposes of agriculture, and which, when reproduced retain their distinguishing features.
- B. Other varieties and off-types:
 - (1) Other varieties shall be considered to include plants or seed that can be differentiated from the variety that is being inspected, but shall not include variations which are characteristics of the variety as defined by the breeder.
 - (2) Off-types are plants or seeds which do not conform to the description of the characteristics of a variety as supplied by the breeder.

1.4. Eligibility of Crop Varieties for Certification.

A variety shall be eligible for certification only if it has been recommended as meriting certification by the Variety Review and Release Committee of the National Seed Board, and is on the list of varieties eligible for certification maintained by the National Seed Board and as approved by the Minister.

1.5. Classes and Sources of Certified Seed.

The following classes of certified seed shall be recognized in the certification of seed: namely, breeder, foundation, stock (registered), and extension (certified). These classes of seed shall meet both the general and specific standards specified for the individual crop kinds and/or varieties.

The classes of certified seed are defined as follows:

- A. BREEDER SEED - Breeder seed are seed produced under the control of the originating breeder or his institution, and which shall be the repeating source for the increase of foundation seed.
- B. FOUNDATION SEED - Foundation seed shall be the progeny of breeder or foundation seed produced under rigorous supervision and with strictest precautions so that specific varietal purity is maintained. Foundation seed shall be produced b and the production must be certified by the official seed certifying Agency.^{1/*}
- C. STOCK SEED - Stock seed shall be the progeny of breeder or foundation seed produced and handled so as to maintain the prescribed degree of varietal purity and identity and to meet other prescribed quality standards, and which have been certified as stock seed by the official seed certifying agency.
- D. EXTENSION SEED - Extension seed shall be the progeny of breeder, foundation or stock seed, ^{2/}so produced and handled as to maintain the prescribed degree of varietal purity and identity, and to meet other prescribed standards of quality and which have been certified as extension seed by the official seed certifying agency.

1.6. Establishment of Source of Seed.

The official certifying agency shall be supplied with specific evidence of the class and source of seed used to plant each crop for which an application for which an application for certification is filed.

1.7. Unit of certification.

The unit of certification shall be a clearly defined area of land, which may be divided subject to specific regulations for individual crops.

1.8. Application for Seed Certification and Conditions Thereof.

- A. Only one variety may be grown in a unit of certification.
- B. The seed producer shall submit an application for certification of seed not later than one month before sowing to the seed certifying agency in the form prescribed.

*See notes at end of Annex.

- C. The certification unit shall be checked by a field inspector licensed under authority of the seed certifying agency, before acceptance of the application, unless inspection is waived by Certifying Agency.
- D. The seed producer must meet the following qualifications:
 - 1. The seed producer holds legal title to the farm or land area on which the seed crop will be produced by ownership or lease.
 - 2. The previous crop grown on the land is known and conforms to conditions prescribed in the specific standards.
 - 3. The seed producer is capable of managing a seed production field. ^{3/}
 - 4. The seed producer has his own processing and storage facilities or a contract with a seed-processing and storage firm or agency. ^{4/}
 - 5. The seed producer agrees to follow the guidance given by the seed certification agency and abide by its rules and regulations.

1.9. Field Inspections.

- A. Inspections of the seed field shall be made by the licensed inspector under the authority of the seed certifying agency.
- B. The seed producer shall submit a request for field inspection, within one week after sowing the seed, to the certifying agency.
- C. The field inspections will be conducted at the vegetative, flowering, and harvesting stages.
- D. If the first and second inspections (at vegetative and flowering stages) indicate that field standards are not met, remedial actions may be taken by the seed grower, and he may request a re-inspection after the corrections and improvements have been completed.

E. No laboratory seed testing shall be made unless the field passes the final inspection.

1.10. Harvesting, Drying and Processing Inspections.

Equipment and/or procedures used for harvesting, drying and processing may be inspected to insure that the seed harvested, dried, and processed are not contaminated with other varieties.

1.11. Storage House or Bin Inspection.

A. The storage inspection shall include a storage house inspection to be conducted immediately before the start of seed storage. The storage inspection shall be conducted by a licensed seed inspector under authority of the seed certifying agency.

B. The seed producer shall request the storage inspection at least one month before the storage of the seed.

C. The storage inspection shall cover the following items.

- (1) Adequacy of storage space and place.
- (2) Cleanliness of storage house before storing.
- (3) Procedures for protecting seed from pests.
- (4) Adequacy of ventilation.
- (5) Facilities for re-drying seeds.

1.12. Sampling of seed.

A. Sampling will be done by a licensed field inspector. One sample will be taken from a lot of seed which may not exceed 20 tons.

B. Each seed lot must be reasonably uniform in quality, and identified by a single lot designation or number. When there is definite evidence that a seed lot is not sufficiently uniform, sampling shall be refused.

- C. Seed bags shall be stacked in such a manner that sampling can be performed properly.
- D. The sleeve-type seed samplers with adequate partitions shall be used for seed sampling. The length of samplers shall be long enough to reach all parts of the bag when inserted.
- E. Sampling intensity shall be as prescribed in the International Rules for Testing Seed, except as modified in the specific standards for individual crops.
- F. The minimum weight of samples taken for each seed lot is 1,000 grams.
- G. Samples for moisture determinations should be sent to the seed testing laboratory in an air-tight container separate from the sample taken for purity and germination tests.

1.13. Laboratory Seed Analyses

- A. The laboratory seed analyses shall be made at the Central Seed Testing Laboratory or branches thereof.
- B. Kinds of routine seed analyses to be made are as follows:
 - 1. Determination of moisture content.
 - 2. A purity analysis to determine (i) the composition of the sample being tested and by inference the composition of the seed lot, and (ii) the identity of the various species of seeds and inert particles constituting the sample.
 - 3. A germination test to determine the percentage of pure seed of the kind under consideration which produces normal seedlings.
- C. The procedures for seed analyses shall be those in the International Rules for Seed Testing of the International Seed Testing Association unless specifically indicated otherwise.
- D. Retests of seeds that fail to pass laboratory inspection shall be limited to one (1) retest.

1.14. Reports.

- A. All reports on field inspections, laboratory seed analyses, and storage inspections, shall be made in the manner prescribed and on the forms adopted and shall be completed within two weeks after inspection is complete.
- B. When a seed lot has successfully passed all inspections and meets all standards a report will be issued to the seed producer indicating that the seed lot is certified for the specific certification class for which it is eligible.

1.15. Labeling and Sealing of Certified Seed.

- A. The seed producer will be issued the distinctive seed label adopted for the class for which his seed is certified in sufficient number to attach one label to each container of seed of the lot certified. 5
- B. The certification process will be complete and the lot certified when the labels are properly attached to each container.

1.16. Colors and Markings of Tags for Certified Seed Classes.

- A. Each tag will bear the words CERTIFIED SEED in large type, which shall then be followed by the name of the seed class, namely, BREEDER CLASS, FOUNDATION CLASS, STOCK CLASS, or EXTENSION CLASS.
- B. Tag colors shall be as follows:
 - (1) BREEDER SEED - White
 - (2) FOUNDATION SEED - White
 - (3) STOCK SEED - Purple
 - (4) EXTENSION SEED - Blue

EXPLANATORY NOTES

- 1/ A decision as to which agency will be responsible for Foundation Seed must be made. It would be better to have one (1) foundation seed project handling all kinds of foundation seed, then a host of foundation seed projects scattered hither and yon.
- 2/ Foundation or stock seed that do not meet standards for their classes, but which do meet standards for extension class seed should be certified as extension seed. Further, in cases of excess production of foundation or stock seed, it is preferable to down-grade such seed to the extension seed class for marketing to farmers, then to market them to farmers as foundation or stock seed.
- 3/ This must be a reasonable judgement
- 4/ Processing should not necessarily be thought of only as the large mechanized seed plants. Rather, any method of processing that produces good, clean seed should be satisfactory and qualify a producer for certified seed production.
- 5/ The Seed Certification Agency should control and issue all certified seed tags or labels. Charge of a fee for tags is a good mechanism for supporting the certification service.