THE EAST AFRICAN COMMUNITY

BILLS SUPPLEMENT

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THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY SEED AND PLANT VARIETIES BILL, 2025

MEMORANDUM

The object of this Bill is to provide for the coordination of evaluation, release and registration of plant varieties among Partner States; to provide for common processes for seed certification and protection of plant varieties within the Community; and to provide for related matters.

The Bill is anchored on Article 106 of the Treaty in which the Partner States undertook to strengthen their cooperation in quality seed development and production through research and plant breeding. The Partner States also committed to enhance capacity in seed technology and create an enabling environment for private sector seed multiplication and distribution.

The Bill seeks to provide for seed certification, testing and marketing to facilitate and create an enabling environment for private sector seed multiplication and distribution. The Bill also highlights the role and functions of the national seed authorities and enshrines the rights and protection of plant breeders in the law.

HON. BEATRICE ASUKUL MOE
Chairperson
Council of Ministers

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A BILL for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY SEED AND PLANT VARIETIES ACT, 2025

An Act of the Community to provide for the coordination of evaluation, release and registration of plant varieties among Partner States; to provide for common processes for seed certification and protection of plant varieties within the Community; and to provide for related matters.

ENACTED by the East African Community and assented to by the Heads of State

PART I—PRELIMINARY.

1. This Act may be cited as the East African Community Seed and Plant Varieties Act, 2025. Short Title

2. In this Act, unless the context otherwise requires— Interpretation

"breeder" means—

(a) a person who discovers and develops a plant variety;

(b) a person who employs or commissions the person who discovers and develops a plant variety; or

(c) a successor in title of the person referred to in paragraph (a) or (b);

"Community" means the East African Community established by Article 2 of the Treaty;

"Council" means the Council of Ministers established by Article 9 of the Treaty;

"national seed authority" means a government institution designated by a Partner State under Section 4 as responsible for enforcing laws and regulations relating to seed matters provided for under this Act;

"plant variety" means a plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a breeder's right are fully met, can be—

(a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes;

(b) distinguished from any other plant grouping by the expression of at least one of the said characteristics; and

(c) considered as a unit with regard to its suitability for being propagated unchanged;

"seed" means a botanical structure that contains at least one ripened ovule with or without accessory parts and includes any plant or part of a plant used as propagation material;

"Treaty" means the Treaty for the Establishment of the East African Community.

Part II—Administrative Arrangements

Community Seed and Plant Variety Committee

3. (1) The Council shall establish a Seed and Plant Variety Committee for the Community, which shall be composed of the heads of the national seed authorities of the Partner States or their representatives.

(2) The Committee is responsible for—

(a) recommending to the Council the laboratories which may be designated to test and certify seeds as required by this Act;

(b) recommending to the Council any new classes of seeds or new categories of seeds required to be certified;

(c) reviewing inspection and seed testing procedures and standards in the Community to facilitate uniformity and make recommendations to the Council;

(d) approving plant varieties to be included in the Community Plant Variety Catalogue;

(e) considering any application from a Partner State seeking to restrict the marketing of an approved plant variety in its territory and making recommendations to the Council;

(f) handling complaints and proposals on the application and implementation of this Act;

(g) assessing compliance of Partner States in implementing this Act and make recommendations to the Council;

(h) recommending to the Council matters required to be prescribed under this Act.

(3) For purposes of subsection (2)(d), the Committee shall not approve a plant variety unless the plant variety has been released by the national plant varieties release committees of at least two Partner States.

(4) The Committee shall report to the Council through the relevant Sectoral Council.

Designation of national seed authorities

4. (1) Each Partner State shall designate an entity that shall serve as the national seed authority.

(2) The national seed authority is responsible for enforcing laws and regulations relating to seed matters provided under this Act.

(3) The national seed authority may authorize competent persons to perform specified functions under this Act on their behalf or as may be prescribed.

5. Each Partner State shall designate a national plant variety release committee, which shall be responsible for evaluation and registration of new and existing plant varieties.

National Plant Variety Release Committees

Part III—Plant Variety Evaluation, Release And Seed Certification

6. (1) A national plant variety release committee shall not release a plant variety unless that plant variety has successfully undergone two seasons of the following tests—

Plant variety evaluation

(a) Distinctness, Uniformity, Stability test carried out in accordance with regulations issued under this Act; and

(b) Value for Cultivation and Use or National Performance Trials.

(2) A plant variety released in one Partner State may be considered for release in another Partner State if that plant variety successfully undergoes the tests referred to in sub-section (1) in similar agro – ecological conditions for one season and the Partner State where the plant variety is first released provides the data relating to the tests conducted to the other Partner State.

(3) A plant variety released in two Partner States may be released in another Partner State with similar agro – ecological conditions if the data relating to the test conducted on the plant variety in the two Partner States is availed to the other Partner State.

7. (1) Each Partner State shall establish and maintain a National Plant Variety Catalogue that shall contain all plant varieties released by that Partner State.

National and Community Plant Variety Catalogues

(2) The Secretariat shall establish and maintain a Community Plant Variety Catalogue that shall contain all plant varieties approved by the Community Seeds and Plant Varieties Committee.

(3) The Community Catalogue shall specify the Partner State where the plant variety has been released and the agro – ecological conditions under which that plant variety was released.

Seed Certification

Seed Certification

8. (1) Subject to subsection (2), seed for a plant variety in the Community catalogue shall be produced, imported or exported within the Community if the seed is certified by a national seed authority.

(2) This section applies to the following classes of seed—

(a) pre-basic seed;

(b) basic seed;

(c) certified first generation; and

(d) certified second generation seed.

(3) A national seed authority may certify seed if the authority is satisfied that the seed—

(a) has undergone seed inspection and testing to ensure it meets the prescribed quality standards;

(b) is labelled to indicate the plant variety that the seed will produce; and

(c) meets the Community phytosanitary requirements.

Seed testing

9. (1) The Council may designate a seed-testing laboratory in a Partner State to conduct seed testing under this Act.

(2) A laboratory designated under sub section (1) shall operate in accordance with standards prescribed by the Council.

(3) The results of seed testing conducted by a designated laboratory in a Partner State shall be specified in a certificate that shall be recognized by the national seed authorities of every Partner State.

Seed marketing

10. (1) Seed in respect of which a certificate is issued under this Act may be marketed within the Community.

(2) Notwithstanding subsection (1), the Council may, on application by a Partner State and by notice in the Gazette, specify the seed that may not be marketed within that Partner State on the ground of unsuitability for cultivation, or risk to other seed, human health, animal health and the environment.

Part IV—Plant Variety Protection

Application of Part

11. This Part applies to all plant genera and species.

Protection of breeders rights

12. (1) A breeder of a plant variety may apply to a relevant authority in a Partner State, in accordance with the national laws of the Partner State, for protection of a plant variety.

(2) Where protection of a plant variety is intended to have effect in more than one Partner State, the breeder shall specify in the application, the Partner States in which protection is sought.

(3) For purposes of subsection (2) the relevant authority of the Partner State to which an application is made, shall transmit copies of the application received, to the relevant authorities of every Partner State specified in the application where protection is sought.

(4) The Council shall by regulations prescribe procedures for considering an application referred to in subsection (2) including—

(a) examination;

(b) sharing test results;

(c) conditions of protection;

(d) rights of priority;

(e) scope of breeder's rights;

(f) registration requirements; or

(g) breeder's rights maintenance requirements.

Register of breeders rights

13. (1) The Secretariat shall maintain a register of breeder's rights.

(2) The register shall include the following particulars submitted to the Secretariat by the relevant national plant variety protection entity of a Partner State—

(a) description or a description and photograph of the plant variety and the denomination of the variety;

(b) name and other particulars of the variety;

(c) the name and address of the holder of the breeder's rights;

(d) the name and address of the person to whom any breeder's right has been assigned or transferred;

(e) the date on which the breeder's right is granted and the date of its expiry;

(f) priority dates, including the date and Partner State of any earlier application;

(g) any exclusive or compulsory licences of the rights; and

(h) any declaration of nullity, cancellation or surrender of rights.

Part V—Miscellaneous Provisions

Regulations

14. (1) The Council may make regulations generally for giving effect to the provisions of this Act.

(2) Without prejudice to subsection (1), the Council may make regulations prescribing—

(a) the procedures and standards for inspection and seed testing in the Community;

(b) the procedures for considering applications seeking for plant variety protection in more than one Partner State;

(c) any matter that is required to be prescribed under this Act.