



COMPLIANCE REQUIREMENTS TO PHYTOSANITARY AND SEED REQUIREMENTS

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Outline

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Players in the Industry

- National Plant Protection Service
- Producers and Exporters
- Seed Companies (mostly in private sector)
- Research and Teaching Institutions
- Other Regulatory services
- Courier and transport services etc



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NPPO of KENYA

(KEPHIS)- MANDATES- ACT NO.54, 2012



- (a) Regulating on all matters relating to plant protection, seeds and plant varieties;
- (b) administration and enforcement of sanitary and phytosanitary measures;
- (c) supporting the administration and enforcement of food safety measures;
- (d) Service laboratories for to monitoring quality and levels of toxic residues in agro-inputs, irrigation water, plants, soils and produce;
- (e) principal advisor to the Government on issues relating to seeds and planting material;
- (f) plant variety protection in Kenya, administration of plant breeders' rights and maintenance of Plant Breeders' Rights Register;
- (g) plant variety testing and description, seed certification and plant quarantine control;

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Functions of KENYA (KEPHIS)-2



- (a)) inspection and grading of plants and plant produce at the ports of entry and exit;
- (i) In consultation with other relevant agencies, develop and implement standards for seed and plant materials;
- (j) implementation and enforcement of national bio-safety regulations on the introduction and use of genetically or living modified species of plants, insects and micro-organisms, plant products and other related species
- (k) regulating the import and export of plants and plant materials;
- (l) in consultation with other relevant agencies, undertakes regulation of the commercial exploitation of naturally occurring plants and plant-related micro-organisms



ENABLING LAWS

– The Plant Protection Act (Cap 324)

– KEPHIS ACT, NO. 54 , 2012

– The Agricultural Produce (Export) Act (Cap 319)

• The Seed and Plant Varieties Act (Cap 326)

• The Agricultural Produce Marketing Act (Cap. 320)

• NB: Different countries may have slightly different systems –
Need therefore to harmonize/
approximation of laws



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Why have regulatory control

- This is derived from IPPC purpose and responsibility Article 1 *< to secure common effective action to prevent the spread and introduction of pests of plants and plant products and to promote appropriate measures for their control, the Contracting Parties undertake to adopt legislative, technical and administrative measures specified in this convention and in supplementary Agreements>*. For this reason NPPOS have to have similar responsibility within their territories





Part 2

*Kenya phytosanitary requirements
related to seed*

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Basis of the regulations

- WTO SPS Agreement, 1995
- IPPC, Convention, 1997 and the ISPMs
- KEPHIS Act. No. 54, 2012
- Plant Protection Act, Cap 324
- Seed and Plant Varieties Act, Cap 326
- ISTA
- OECD Seed schemes
- Crops Act, 2013



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Import Requirements

- Locally produced seed guided by Cap 326
- Imported seed guided by provisions of the Plant protection Act , Cap 324

Imports broadly fall under 3 categories

- **Prohibited:** No importation whatsoever of the stated plant material or regulated article from the stated country (ies) is allowed.
- **Quarantine:** The importation may be made through a Quarantine Station operated by the National Plant Protection Organization.



Import Requirements- 2

- **Import Under Permit:** : These are low risk imports- Importation only after a Plant Importation Permit has been obtained: Each Permit stipulates the conditions governing the importation, as defined in this Schedule. Failure to comply with these conditions may result in destruction of the consignment or its being returned to source.



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Examples of prohibited imports



A. Drugs and psychotropic drug substances

- Indian Hemp (*Cannabis sativa*);
- Coca (*Erythroxylum coca*);
- Poppy (*Papaver somniferum*).

B: Noxious weeds (examples)

- *Arceuthobium spp*
- *Cuscuta spp*
- *Loranthus spp*
- *Phoradendron spp*

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Examples of prohibited imports-2

C: Alternative hosts of cereal rusts

- *Berberis spp*
- *Mahonia spp*
- *Rhamnus spp*
- *Odostemon spp*



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Examples of prohibited imports-3



C: Grass weeds

- *Berberis spp*
: grass weeds
- *Avena sterilis*,
- *Avena fatua*,
- *Cynodon dactylon* (Indian strain)
- *Lolium rigidum* Gaud.
- *Lolium temulentum* L.
- *Sorghum halepense* (L.) Pers.

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Examples of quarantine diseases regulated in Kenya

- *Erwinia stewartii* E.F. Smith) Dowson;
(*Pantoea stewartii* (Smith) Mergaert
- Downy mildew *Peronosclerospora maydis* (Racib.) C. Shaw
- *Sclerospora maydis*



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Seed requirements

- Only registered seed merchants are allowed to import/export seed
- An SR14 form is filled to notify kephis for the intention to import or export seed.
- A plant Import permit is issued for the importation.

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Seed requirements -2

- Seed can also be imported by researchers for experimental purposes under special quarantine permits
- Imported seed should comply with import conditions and accompanied with ISTA certificate (where applicable) and Phytosanitary certificate)- IPPC International Model- ISPM 12





Phytocert requirements

- https://www.ippc.int/.../ISPM_12_2014_En_2015-12-22_Reforma/
- ..\Desktop\ISPM_12_2014_En_2015-12-22_Reformatted.pdf



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Part 3

*Phytosanitary initiatives geared to
ease intra-African seed trade*

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Regional frameworks

- EAC-SPS Protocol
- The COMESA harmonized seed trade regulations , 2013
- Tripartite (COMESA-EAC-SADC) TFA SPS/TBT guidelines/
- AU- Agenda 2063- It is envisaged Continental Free Trade Area (CFTA) will be in place this year (2017) for increased Intra-African trade.





NEXT STEPS

- Undertake Pest Surveillance and PRAs to update pest lists as well as import conditions in line with IPPC, ISTA, OECD guidelines and FTA requirements;
- Improve linkages with relevant stakeholders
- Undertake agriculture as a business anchored on science and best trade practices



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THANK YOU

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