





MANUAL OF HARMONIZED PROCEDURES FOR THE IMPORT AND EXPORT OF SEEDS AND SEEDLING IN THE ECOWAS, UEMOA AND CILSS REGION

Coordinated by:



Permanent secretariat of the regional seed committee

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ABBREVIATIONS AND ACRONYMS

CILSS: Comité permanent inter-Etats de lutte contre la sècheresse dans le Sahel (Permanent Interstate Committee for Drought Control in the Sahel)

ECOWAS: Economic Community of West African States

GMO: Genetically Modified Organism

FAO: Food and Agriculture Organization of the United Nations

IPM: International phytosanitary Measure

IPPC: International Plant Protection Convention

NPPO: National Plant Protection Organization

NSC: National Seeds Committee

SOC: Official Control and Certification Service

UEMOA: Union Economique et Monétaire de l'Afrique de l'Ouest (West Africa Economic and Monetary Union – WAEMU)

UPOV: The International Union for the Protection of New Varieties of Plants

PREAMBLE

International trade has changed the world, allowing a considerable increase in the general movement of seeds and seedlings. In that vein, there is a need to institute controls on the movement of seeds free of pests and diseases between the continents, regions, countries, and within the countries.

In the ECOWAS Region, it appeared necessary to develop harmonized regulations and procedures to regulate the cross-border movement of safe seeds. Among these texts is the manual of harmonized regional procedures for the import and export of seeds.

This Procedure Manual provides an adequate description scope, the objectives, the responsibilities and the required documentations for the seed import and export operations and serves as a harmonized guide for the fast-tracking of the implementation of activities related to the documentation issuance and the controls and the inspections in exporting and importing countries.

The procedure manual is an information document intending to provide transparency and due diligence on the process of the seed and seedling importation and exportation in and out of the ECOWAS, UEMOA, AND CILSS Member States. In this sense, it is a reference document for National Seed Committees including the officials of seeds certification agencies, the phytosanitary inspectors, the seed entrepreneurs, and all those who want to import or export quality seeds in accordance with the harmonized regulation without risk of introducing harmful organisms through their shipment.

This document has been prepared with reference to regional and international regulations and standards:

- Regulation C / REG.4 / 05/2008 of May 18, 2008, harmonizing the rules governing the quality control, certification, and marketing of plant seeds and agricultural plants in the ECOWAS region.
- Regulation C / REG.3 / 4/02 of April 23, 2002, relating to the approval procedure for products originating in the ECOWAS Trade Liberalization Scheme

- Regulation C / REG.4 / 4/02 of April 23, 2002, relating to the adoption of a certificate of origin for products originating in the Community.
- Protocol A / P1 / 1/03 of January 31, 2003, on trade in agricultural and livestock products in the ECOWAS region
- Regulation C / REG.21 / 11/10 of November 26, 2010, on the harmonization of the structural framework and operational rules in matters of plant and animal health and food safety in the ECOWAS region
- International standards for phytosanitary measures (ISPM 5; ISPM 7; ISPM 12; ISPM 20; ISPM 23; ISPM 31, and ISPM 38) of the International Plant Protection Convention (IPPC),
- Implementing regulations relating to the modalities for the control and phytosanitary certification of plant seeds and plants in West Africa and the Sahel zone, 30th June 2021.

CHAPTER I: DEFINITIONS OF TERMS, PURPOSES, AND SCOPE

1.1 Definition of terms

In these guidelines, unless the context otherwise requires:

APPROVAL: in accordance with regulation REG.04 / 05/2008, approval is an official recognition document issued by the competent authority giving the right to the marketing of plant seeds **SPECIES AND VARIETIES CATALOGUE**: an official document that contains the list of all the approved species and varieties.

CERTIFICATE OF ANALYSIS: the official document issued by the Official Service of control and Certification of Seeds (**OSCS**) attesting to the quality of the seeds in accordance with the standards in force

PHYTOSANITARY CERTIFICATE: official document in accordance with the models recommended by the International Plant Protection Convention (IPPC) certifying that a consignment meets phytosanitary import requirements

QUALITY CONTROL: All the activities carried out by competent services aimed at verifying that the varietal or genetic purity of seeds, their physiological or sanitary state as well as technological standards comply with the technical regulations in force in the Member States

SEED EXPORTER: an entity, an officially registered natural or legal person who engages in the export of seeds.

GERMPLASM: Plants intended for use in breeding or conservation programs

SEED IMPORTER: an entity, individual or legal person who imports seeds and seedling into its country and which complies with the requirements as defined in the harmonized regulation of the sub-region.

QUARANTINE PEST: A **pest** of potential economic Importance to the **area endangered** thereby and not yet present there, or present but not widely distributed and being **officially controlled** (FAO, 1990; revised FAO, 1995; IPPC 1997)

IMPORT PERMIT: **Official** document authorizing the importation of a **commodity** (seeds and seedlings) in accordance with specified **phytosanitary import requirements** (FAO,1990; revised FAO, 1995; ISPM, 2005)

SEED PRODUCER: any natural and legal person or organization specializing in the production of seeds duly admitted to the official control.

CERTIFIED SEEDS: seeds resulting from the certification process by the SOC and meeting quality standards

SEED is understood in the broadest sense and from a botanical point of view, as a plant material or organ or a part of plant material or organ (seed, cutting, bulb, graft, rhizome, tuber, embryo) able to reproduce identically the individual from which it comes.

APPROVED VARIETY: seed variety listed in the official catalogue

1.2 Purpose and scope

The purpose of this regional procedure manual is to provide transparency and clarity with regard to the requirements and procedures involved in the approval of the import and export of seeds into and within the ECOWAS, UEMOA, AND CILSS member states, which includes scope, responsibilities, activities, guidelines, and records.

This manual is dedicated to being used by seed entrepreneurs and the government officials or authorized bodies.

CHAPTER II: GENERAL PROCEDURES FOR THE IMPORTATION OF PLANT SEEDS

2.1 General Provisions and Requirements for Seed into and within the ECOWAS, UEMOA, AND CILSS ZONE

- 1. No person shall for the purpose of sowing or planting by any other person (including himself/herself) import any seed unless:
 - a) He /She has submitted a notice of intention to import such seed to the National Seed Agencies/Committees
 - b) Has with the approval of the National Seed Certification Authority been issued with a seed import permit in the schedule and shall be accompanied by a prescribed fee
 - c) Such seed complies with the standard approved by the official seed certification authority and has been registered in the regional catalogue except for potato seed and vegetable seeds.
 - d) Only seeds of varieties in the regional catalogue shall be imported for commercialization and shall be subject to regulations with regard to labeling; If the variety is not registered in the regional catalogue, the regulations of the importing country may be applied.
 - e) Notwithstanding the provision in (c) above, seeds of crop varieties other than those in the regional catalogue for which ECOWAS member state has no comparative advantage in their production shall be imported subject to the approval of the official Seed Certification authority and shall be issued with a seed import permit in the schedule and shall be accompanied by a prescribed fee.
 - f) All imported seeds shall be accompanied by the following documents:
 - i. phytosanitary certificate
 - ii. quality control certificate,
 - iii. seed import permit.
 - iv. Commercial invoice
 - v. non-genetically modified organism (non-GMO) attestation
 - vi. Bill of lading
 - vii. Packaging list

- g) Importation of germplasm for breeding and varietal development purposes may not be subjected to quality control certificate but to the phytosanitary certification
- h) Application for importation of seeds in commercial quantities shall be made to the official seed certification authority, and such application shall be handled in a manner as specified in the regional seed regulations and in consonance with phytosanitary requirements of National Plant Protection Organization (NPPO), the biosafety guidelines and in accordance with the harmonized ECOWAS seed regulatory framework.
- 2. The notice to import shall specify the following:
 - a) The species of crop.
 - b) The official variety name.
 - c) The type or class of seed.
 - d) The quantity of seed.
 - e) The lot number or designation of the seed.
 - f) The name and address of the importer and exporter.
 - g) The country of origin.
- 3. A person intending to import seed of a genetically modified variety for commercial or research purposes shall comply with the biosafety regulations of the importing country.

2.2. Importation of Certified Seeds

Notwithstanding any quarantine or other import requirements imposed under regional regulations, an imported seed may be designated certified in ECOWAS, UEMOA, AND CILSS ZONE where the National seed official Authority:

- a) Is satisfied that the seed has been certified under the ECOWAS, UEMOA, CILSS ZONE procedures, or other comparable international schemes where applicable.
- b) The variety is listed in the regional Catalogue or
- c) Is otherwise satisfied that the exporting country's certification scheme and the individual seed lots meet minimum standards, and the variety is listed in the regional Catalogue.

In case the variety is not registered in the regional catalogue, it should be released and registered in the catalogue of the importing or exporting country. However, the countries must nominate that variety for its registration in the regional catalogue.

2.3. Procedure for Importing Certified Seed

An importer who wishes to import seed identified as certified under section 2.1 shall apply to the national seed certification authority as prescribed.

- a) He/she must be registered and licensed by the national competent authority.
- b) Fill the appropriate form and pay the prescribed fees.

2.4 Procedure for importing Seed Not Certified

An importer who wishes to import seed that is not certified may do so provided:

- a) The seed is not of a species that is subject to certification under the ECOWAS harmonized seed regulations.
- b) Any seed being imported for testing for eventual submission to the National Variety Release Committee, in which case prior permission for its import must be requested from the National Seed Authority.
- c) Any seed registered in the regional seed catalogue and being imported for multiplication, proof that the seed is registered in the regional seed catalogue is provided to the National Seed Authority for verification and onward issue of import permit.
- d) Any seed being imported for research purposes should be accompanied by an import permit and comply with the phytosanitary procedures.

2.5. Importer's Obligations

Any intending importer of seed shall ensure that:

- a) All import requirements under the ECOWAS UEMOA and CILSS ZONE harmonized seed regulations and other legislation are complied with.
- b) The seed to be imported meets the quality standards and other requirements under the ECOWAS harmonized Seed Regulation.

- c) The species and variety of such seed, as well as the country of origin are reflected on the invoice or delivery note accompanying such seed at the time of its importation.
- d) The seed and its packaging material/containers, labels and tags are in conformity with any other established requirements.
- e) The National Seed Authority receives notification regarding any genetically modified organisms (GMOs) in the proposed import.
- f) Any seeds imported into ECOWAS region before deployment for commercialization must comply with the labelling standards declared by Importer and confirm by Information on Import permit and but confirm with regulations set by ECOWAS member states.

2.6 Obligations of the competent authority responsible for seed

The National Seed Certifying Authority shall ensure.

- a) Timely processing of a request for a seed import permit in accordance with extant rules and regulations.
- b) Transparency of the process.
- c) Keeping and maintaining of all relevant records and samples tested.
- d) Confidentiality of all information provided.

2.7. Seed Import Approval Procedure

The procedure for Seed Import Approval must define the sequence of events, interfaces, and responsibilities involved in the process of approving an application for a Seed Import from the time of submission of the application to the approval or non-approval of the application.

2.8. Responsibility and Authority:

- The designated officer of the competent seed authority shall be responsible for the reception
 of the seed import application, evaluating the compliance of the seed requirements, approve
 partially the application and send to the NPPO.
- 2. The designated officer of the NPPO shall be responsible for:
 - Receiving and evaluating the phytosanitary information included in the Seed Import Permit application.

- Contacting the National Plant Protection Organization/competent national authority
 from the exporting country for additional information if required and,
- Issuing/notifying the applicant, competent authority, Customs, and other relevant agencies of the approval or rejection of any import permit

2.9. Submission of Application

- a. The importer shall apply for a seed importation (Annex 01) which will be received and recorded by the designated officer of the competent authority (Annex 02).
- b. The designated officer, Seed Certification and Quality authority, or designated officer of the competent authority will verify the completeness and record the entry immediately (Annex 02).
- c. The receipt of the application shall be acknowledged through the physical application, mail, or an efficient electronic system, and the applicant provided with the application number assigned.

2.10. Evaluation of application

- a) The Competent authority will evaluate the application within 72 hours of receiving the application following the provisions in the Seed Regulations. The competent authority will prepare a report completing the Format (Annex 03). Supporting documents and other information required for submission with the application shall include the following.
 - i. Certificate of Incorporation
 - ii. Seed License Certificate
 - iii. Crop to be imported/variety
 - iv. Class of Seed
 - v. Quantity (in kg) seed/ seedling per variety
 - vi. Country of Import
- b) If the import application fulfills the national seed regulations requirements, the process will continue with notification of approval (Section 2.13).
- c) If the import application is not approved, but can be corrected with additional information from the applicant, the process will continue with **Section 2.12**

- d) If the import application is not approved and cannot be corrected, continue with **Section**2.11
- e) Where the importation is for research and development purpose, the following shall be the requirements.

A letter/ form of introduction from the organization including:

- i. Crop/variety to be imported
- ii. Quantity (in kg) for number seedlings per variety
- iii. Location of Research Field
- iv. Ecological adaptation
- v. Passport data or source of the variety
- vi. Means of transportation

2.11 Notification of non-approval

Based on the report (Annex 03), the Competent authority shall notify the refusal of the seed import application through a memo (Annex 04) and signed by a designated officer, Seed Certification and Quality authority. The applicant may appeal by providing additional information (Annex 05) if needed.

2.12. Request for additional information

If the request can be corrected with additional information.

- a) The competent authority will request from the applicant additional information through a memorandum (Annex 05) within a maximum period of 2 working days and signed by the designated, Seed Certification and Quality Control Authority.
- Upon reception of the additional information, if it is satisfactory, continue at Section 2.13
 (Notification of Approval); and if not satisfactory continue at Section 2.11 (Notification of non-approval).

2.13. Notification of Approval of the import permit

- a) The applicant will be notified of the approval of the import application by the national competent authority within the maximum of three (3) working days to notify the applicant.
- b) The applicant will proceed with the payment of import approval fee and also complete the seed importation form within the national authority timelines.
- c) The competent authority to the applicant, the approval of the import application through a memo (Annex 06) and signed by designated officer, Seed Certification and Quality Control authority for the issuance of Seed Import Permit by NPPO within the maximum of three (3) working days. This permit shall have minimum of six (6) months validity period.

2.14. Records

The following are the records to be kept for the Seed Import Approval.

- 1. Record of Reception.
- 2. Record of Seed Evaluation Report.
- 3. Record of Seed Import Application Approval.
- 4. Any other relevant documents

CHAPTER III: GENERAL PROCEDURES FOR EXPORTATION OF COMMERCIAL SEEDS

The objective of the Seed Export procedure is to define the sequence of events, interfaces, and responsibilities involved in the process of a seed export.

3.1 General Provisions and Requirements for Export / Re - Export of Seeds within ECOWAS, UEMOA AND CILSS ZONE

- 1) No person shall for the purpose of sowing or planting by any other person (including himself/herself) export any seed unless:
 - a) He / She has applied for export authorization through competent seed authority.
 - b) Has with the approval of the official seed certification authority, or the authorized officer been issued with a seed export approval in the schedule and shall be accompanied by a prescribed fee.
 - c) These seeds comply with the ECOWAS-UEMOA-CILSS standard approved by the official seed certification authority and have met the certification and quality assurance standards in the Region
 - d) All exported seed shall be accompanied by the following documents:
 - i. phytosanitary certificate for export or re-export.
 - ii. Quality analysis of the seeds and seedlings
 - iii. Import permit from the receiving country
 - iv. commercial invoices.
 - v. bill of lading
- 2) A person intending to export seeds of a genetically modified variety for commercial or research purposes shall comply with the bio-safety regulations of the receiving country.

3.2 Seed Export Procedure

The scope of this procedure is from the application submitted for a seed export to the approval (phytosanitary certificate) or non-approval of the export application.

3.2.1. Responsibility and Authority:

 The designated officer of the competent authority is responsible for receiving and registering the seed export application.

- 2) The designated person of the competent authority is responsible for:
 - a) Examine of the seed export application and preparing the report.
 - b) plan and conduct the inspections in accordance with the requirements from the importing country if required.
- 3) The head of the NPPO or designated officer is responsible for:
 - a) Verify compliance with phytosanitary procedures
 - b) Recommending and verifying the seed treatment where necessary.
 - c) notifying to the applicant of the approval or non-approval of the seed export.

3.2.2 Receipt of application

- The designated officer of the National Competent Authority will receive the seed export application with the requirements from the National Plant Protection Organization/National competent authority of the importing country (Annex 07).
- 2) The head of the competent authority will record the applications received and register immediately the application (Annex 09) and assign a registration number to the application.
- 3) The National Competent authority will provide the registration number assigned to the applicant.

3.2.3 Evaluation of application

- The Competent Authority will evaluate the application to ensure that the importing country's seed certification requirements can be satisfied and will prepare a report of the evaluation.
- 2) If the application is not complete continue with notification for additional information (Section 3.2.4).

3.2.4 Notification for additional information

The head of the competent authority shall notify the applicant for more information through a written communication based on the report of the evaluation. The timeline for such notification

and that of the receipt of the feedback from the applicant shall be in accordance with the national regulations in force.

3.2.5. Issuance of export certificate(s)

- a) The competent authority shall deliver the certificate(s) the exportation within 5 working days If there is no objection.
- b) The applicant shall complete the information for the export authorization and pay the costs within the time limit indicated by the national authority. Each country will set the amount at its level.

3.2.6 Registers/Folders

3The following are the records to be kept for the Seed Export Approval.

- 1. Record of Reception.
- 2. Record of Seed Evaluation Report.
- 3. Record of the certificate (s) authorizing the export
- 4. Any other relevant documents

CHAPTER IV: GENERAL PROCEDURES FOR COMPLAINTS, AND APPEALS

The objective of this procedure is to define the procedures to be followed in case of any complaints on the decision taken by the national competent authority from the reception of the appeal to the report of the final decision.

4.1 Responsibility and Authority for Complaints

- The head of the National competent authority is responsible for receiving the complaints, setting up a review committee, establishing the date to meet with the applicant (importer/exporter) and obtaining reports and previous documents.
- 2) The Head of the competent authority is responsible for analyzing the appeal and preparing a preliminary report of the review meeting.
- 3) The relevant committee of the National competent authority Board shall be responsible for hearing the case and making a recommendation.
- 4) The national competent authority is responsible for making a final decision without prejudice to the powers of the court.

4.2. Appeal or re-appeal procedure

Any importer or exporter of plant seeds who considers himself aggrieved by a decision of the competent authority may appeal according to the national, regional, and international provisions in force.

The designated authority reviews the appeal request and previous reports, assesses the appeal arguments and agrees on a meeting date with the petitioner.

The favorable or unfavorable decision of the said competent authority is notified to the applicant, after the review meeting of the appeal, through an approval or rejection memo or written communication, as the case may be, and records it under a number. The timeline for such notification shall be in accordance with the national regulations in force.

4.3. Conflict resolution

In case of conflict, the aggrieved parties may endeavor to settle by direct negotiation through amicable resolutions any dispute concerning the application or the performance thereof. If there

is no solution through amicable resolution, the parties shall be submitted to arbitration panel before any competent of court jurisdiction for settlement.

This Manual will not supersede or in any way modify existing bilateral or regional agreement.

ANNEX 01: SEED IMPORT PERMIT APPLICATION

FOR OFFICIAL USE	(Seed Aut	hority)
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									_	
PLACE AND DATE				APPLICATION NUMBER						
APPLICANT I	NFORMATION	l		I						
NAME OF IN	MPORTER				ADDRESS AND TEL/FAX					
				E-MA	ΑIL					
DESCRIPTION	OF CONSIGN	IMEN	Τ							
COUNTRY AND PLACE OF ORIGIN				NAME OF THE SUPPLIER:						
				ADDRESS:						
					TEL/I	AX,	′ :			
					E –M	AIL:				
		I		I						
CROP /SPECIES	BOTANICAL NAME	VAR NAM			SEED PLANTIN		OF	QUANTITY (Kgs)	DESCRIPTION OF PACKAGES	
/SPECIES	INAIVIE	IVAIV	IE	SEE			MATERIAL		(Kgs)	PACKAGES
							cuttings			
							seed			
							Rhizome			
							Plants			
							Tuber			
							others			
	ı			1					1	
COUNTRY OF ORIGIN COUNTRY A PRODUCTION				NND PLACE OF PURPOSE OF IMPORT						
POINT OF EXIT POINT O						CONVEYANCE/TRANSPORT				
							MODE			
ADDITIONAL	LINFORMATIO	DN:								
NAME OF AP	PPLICANT:							DA	TE:	
	OF APPLICANT							_		

ANNEX 02: SEED IMPORT APPLICATION RECEIVED BY THE COMPETENT AUTHORITY

REFERENCE NUMBER	DATE OF RECEPTION

ANNEX 03: SEED AUTHORITY APPLICATION STATUS REPORT APPLICATION NUMBER: DATE: ☐ The present seed import application complies with the national seed regulations requirements. ☐ The present seed import application does not comply with the national seed regulations requirements because ☐ The present seed import application requires additional information as follows: _____ Authority Name & Signature _____

ANNEX 04: NON-APPROVAL NOTIFICATION

Head SIGNATURE

TO: FROM: DATE: IMPORT APPLICATION NUMBER: I regret to inform you that your application for seed import #_____ has been denied. Please see attached report.

IV

Manual of harmonized procedures for the import and export of seeds and seedling in the ECOWAS, UEMOA and CILSS region

ANNEX 05: ADDITIONAL INFORMATION

Name and Signature of National Authority

TO: FROM: DATE: IMPORT APPLICATION NUMBER: After the revision of your application for seed import #_____ we require additional information as requested in the attached report. The information must be submitted in the next _____ working days, otherwise the application will be denied.

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ANNEX 06: IMPORTATION APPROVAL NOTIFICATION

CC: FROM: DATE: IMPORT APPLICATION NUMBER: I am informing you that the application for the seed imports # has been approved by our
DATE: IMPORT APPLICATION NUMBER:
IMPORT APPLICATION NUMBER:
Lam informing you that the application for the good imports # has been approved by our
Tail informing you that the application for the seed imports # has been approved by our
Competent Authority. I have included the approved application to continue with the
phytosanitary approval process.
This approval i is for a maximum of six (6) months validity.

Name and signature of authorized the National authority.

ANNEX 07: NPPO EVALUATION REPORT

APPLICATION NUMBER:
DATE:
$\hfill\Box$ The present seed export application complies with the national plant protection and phytosanitary regulations requirements.
$\hfill\Box$ The present seed export application does not comply with the national plant protection and phytosanitary regulations requirements because

☐ The present seed export application requires additional information as follows:

Authority Name and Signature

ANNEX 08: APPLICATION RECORD BY THE OFFICE OF THE NATIONAL AUTHORITY

NATIONAL SEED COUNCIL APPLICATION NUMBER	DATE OF RECEPTION AT NPPO	PLANT IMPORT PERMIT NUMBER

ANNEX 09: ADDITIONAL INFORMATION

Head NPPO SIGNATURE

TO: FROM: DATE: IMPORT APPLICATION NUMBER: After the revision of your application for seed import # ______ we require additional information as requested in the attached report. The information required must be submitted in the next five working days, otherwise the application for import will be denied.