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SUPPORT TO THE IMPROVEMENT OF THE NATIONAL SEED, PLANT VARIETY PROTECTION AND PHYTOSANITARY LEGISLATION IN UZBEKISTAN

November 2019

SDGs:



Countries:

Uzbekistan

Project Codes:

TCP/UZB/3602

FAO Contribution:

USD 327 000

Duration:

1 January 2017 – 30 June 2019

Contact Info:

FAO Representation in Uzbekistan

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Implementing Partners

Ministry of Agriculture (MoA).

Beneficiaries

Staff of the State Plants Quarantine Inspection of Uzbekistan (SPQI), Ministry of Agriculture (MoA); the State Commission for Variety Testing and Protection; and other key players involved in the seed sector, plant protection and plant quarantine.

Country Programming Framework

Outcome 1: Development of sustainable high-value crop production for domestic and export markets supported.

Outcome 2: Technical and institutional capacities enhancement for adoption and promotion of conservation agriculture and other good agricultural practices (GAP) supported.

Output 2.1: Capacity development of national institutions for introduction, extension and training on conservation agriculture and other GAP supported.

Output 2.2: Support for the formulation of the national strategies and policies on adoption and promotion of conservation agriculture and GAP provided.



BACKGROUND

The Government of Uzbekistan recognizes the importance of agriculture for enhancing national food security and strengthening the rural economy. Half of the country's population lives in rural areas, and reducing the gap between urban and rural livelihoods is an important component in maintaining social stability. Agriculture has considerable potential for development, particularly in the production of cereals, potatoes and high-value vegetable crops to supply the growing domestic market and for export. In this regard, it was important to improve national legislation to facilitate trade. It was also necessary to promote and maintain an efficient and sustainable seed sector that would meet the needs of farmers, rural development, and the national economy.

In addition, there was an urgent need to establish collaborative initiatives to prevent the introduction and spread of quarantine pests in the country. Limited knowledge of modern plant protection methods and the absence of technically justified phytosanitary measures were serious constraints in Uzbekistan's phytosanitary system, owing to a lack of experienced and trained personnel, as well as a shortage of modern equipment and communication means.

Considering the above, the Ministry of Agriculture (MoA) requested that FAO provide assistance to improve national seed and phytosanitary legislation, and strengthen national capacities in plant health and trade facilitation.

IMPACT

The expected long-term impact of the project is improved rural livelihoods, food security and market opportunities, resulting from the stronger seed sector and the phytosanitary system, functioning according to internationally accepted rules and standards. Consequently, the improvement of the seed sector and the phytosanitary system will facilitate sustainable intensification of crop production, leading to increased crop productivity, added-value products for the national economy, enhanced institutional capacity, and development of regional trade.

ACHIEVEMENT OF RESULTS

The project contributed significantly to improving the national legislation framework on seed, plant variety protection (PVP), and phytosanitary and plant protection; as well as to strengthening the institutional capacities of national counterparts for variety testing, registration and protection, seed quality control and certification, and administration of the phytosanitary system.

One of the key achievements of the project was the development of the National Action Plan for Seed Policy (NAPSP), which was submitted to the Government. In addition, the project facilitated communication between the State Plants Quarantine Inspection of Uzbekistan (SPQI) and the Secretariat of the International Plant Protection Convention (IPPC). Key policy-makers, National Plant Protection Organizations (NPPOs) and public and private sector representatives also increased their awareness on provisions of international agreements and conventions. As a result, the representatives of the SPQI participated in the meetings of the Commission on Phytosanitary Measures (CPM) in 2018 and 2019, and discussed with the IPPC Secretariat the ratification of the Convention by the Government of Uzbekistan, among other things.

An assessment of the country's phytosanitary framework was conducted, which included an analysis of the legal and institutional framework of plant quarantine and plant protection activities in Uzbekistan. New draft laws on the seed sector, phytosanitary and plant quarantine, and PVP were formulated.

The project also provided support to the SPQI and strengthened its capacity in conducting the Phytosanitary Capacity Evaluation (PCE). Most of the PCE modules were completed during the project, and the SPQI has committed to finalizing the evaluation.

The drafted seed, PVP and phytosanitary laws, the concept note for seed policy and a road map for its implementation, among others, were discussed during various workshops held during the project. These included a national workshop on seed sector, seed and PVP legislation. The workshop provided a general overview regarding existing national legislation and international frameworks on seed, PVP and phytosanitary measures, including the IPPC and its capacity-development tools. In addition, an awareness-raising workshop and a national workshop on the IPPC and the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (WTO-SPS Agreement) were organized.

IMPLEMENTATION OF WORK PLAN

Almost all the planned activities were completed, with the exception of the fourth project target, "Agricultural legislative database at MoA is developed and activated". It was not possible to implement this activity, because institutional changes were being carried out at the Ministry during the project period.

Some administrative issues were encountered during the project, therefore a no-cost extension was requested and approved, in order to complete the project activities, and the date of project closure was moved from 31 December 2018 to 30 June 2019.

FOLLOW-UP FOR GOVERNMENT ATTENTION

As mentioned above, the project strengthened the SPQI's capacity in conducting the PCE. Although the SPQI was unable to complete all the PCE modules, owing to other commitments, it is committed to finalizing the PCE. It is recommended that funding be sought to complete it; as well as for the development and implementation of the National Capacity Development Strategy in the framework of the new Agriculture Modernization Project funded by the World Bank, which has a strong component on improving phytosanitary issues.

It is recommended that the Government present the draft laws and regulations that were developed during the project, and discuss further their adoption and implementation. It is also advised that the Government follow up the ratification of the Convention with the IPPC Secretariat.

Given that new institutional changes are taking place, it is recommended that the Government actively seek funding to train more national experts.

SUSTAINABILITY

1. Capacity development

As mentioned above, the seed, PVP and phytosanitary laws, concept note for seed policy and road map for its implementation were drafted through the project, in collaboration with the respective stakeholders, and discussed during the workshops. For sustainability of the project outcome, it is urged that these be adopted by the Government of Uzbekistan.

During the project, and for the development of proposals for seed, PVP and phytosanitary laws and regulations, it was necessary to collaborate with the Parliament, the MoA, the Ministry of Innovative Development, Tashkent State Agrarian University, scientific research institutes of cotton production, rice production, plant production and plant protection, the Seed Association, the Center for seed development, the State Commission on Variety Testing of Agricultural Crops, Joint Stock Company (JSC) UzAgrokimohimoya (UzAgroChemicalProtection), the SPQI, the State Committee on Forestry, and other stakeholders. All these bodies contributed to the development of laws and regulations.

2. Gender equality

The gender issue was considered during the drafting of the Project Document, and a gender specialist was integrated. The activities met the needs and priorities of women and men beneficiaries/stakeholders, including farmers; and all activities, including decision-making and access to resources, targeted equal opportunities, irrespective of gender.



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3. Environmental sustainability

Project outcomes aimed at strengthening the phytosanitary control system reduce the risk of the application of pesticides, and therefore contribute to environmental sustainability and the production of healthy food.

4. Human Rights-based Approach (HRBA) – in particular Right to Food and Decent Work

The project was implemented following a Human Rights-based approach (HRBA), which was gender-responsive and participatory. The core principle of the 2030 Agenda of leaving no one behind was the guiding principle of the project. The project outputs will contribute to improving right to food and decent work, livelihoods of farmers, human health and better nutrition, by strengthening the national legal framework on seed and phytosanitary issues.

5. Technological sustainability

The project contributed significantly to improving national capabilities on phytosanitary control and seed systems.

6. Economic sustainability

The project assisted in improving national legislation, which will serve as the basis for further development. The law on “Plant Variety Protection” and the “Regulations on Variety Testing, Registration and Protection” serve as the key legal documents for the introduction of a royalty collection system for new plant varieties commercially grown by farmers and seed companies. This will enable the generation of income for breeders for future work on developing new and superior crop varieties. The “Seed Law” and the “Regulations on Seed Quality Control and Certification” define the frameworks for the production and marketing of certified seeds, which will allow improved crop yield and quality, leading to increased farmers’ incomes. Legislation on phytosanitary defines plant health for future increase of yield, the reduction of the application of pesticides, and improved human health.

DOCUMENTS AND OUTREACH PRODUCTS

- ❑ Russian translation of the National Legal Report ([Plant protection] *Отчет о национальном законодательстве [Защита растений]*). N. Gogsadze, U. Khaknazar. Rome, Italy, July 2017. 22 pp.
- ❑ National Legal Report (Plant protection). N. Gogsadze, U. Khaknazar. Rome, Italy, July 2017. 15 pp.
- ❑ A brief report on the Status of Seed Production in Uzbekistan. A. Nurbekov. Tashkent, Uzbekistan, August 2017. 8 pp.
- ❑ Comments to the draft law on plant quarantine of the Republic of Uzbekistan. C. Bullon, R. Zhazykbaeva, U. Khaknazar. Rome, Italy, November 2017. 7 pp.
- ❑ Russian translation of the Comments to the draft law on plant quarantine of the Republic of Uzbekistan (*Комментарии к проекту закона о карантине растений Республики Узбекистан*). C. Bullon, R. Zhazykbaeva, U. Khaknazar. Rome, Italy, November 2017. 7 pp.
- ❑ Law of the Republic of Uzbekistan “On Plant Protection” (*Закон Республики Узбекистан «О защите растений»*). C. Bullon, R. Zhazykbaeva, U. Khaknazar. Rome, Italy, June 2018. 22 pp.
- ❑ National Legal Report (Seed and PVP). U. Khaknazar. Rome, Italy, December 2018. 17 pp.
- ❑ Report on Phytosanitary and seed issues (*Отчёт по фитосанитарным вопросам и семенам*). S. Kozubaev. December 2018, Rome, Italy. 23 pp.
- ❑ Brief Summary of the Law on “Breeding Achievements” (*Краткое резюме по Закону «О селекционных достижениях»*). C. Bullon, R. Zhazykbaeva, U. Khaknazar. Tashkent, Uzbekistan, March 2019. 4 pp.
- ❑ Law on “Plant Variety” (*Закон о «Новых сортах растений»*). C. Bullon, R. Zhazykbaeva, U. Khaknazar. Tashkent, Uzbekistan, March 2019. 18 pp.
- ❑ Law on “Legal Regulation of Seed Production” (*Закон о «Правовом регулировании семеноводства»*). C. Bullon, R. Zhazykbaeva, U. Khaknazar. Tashkent, Uzbekistan, March 2019. 17 pp.
- ❑ Comparison table of the Law of the Republic of Uzbekistan “On Seed Production” with FAO recommendations (*Сопоставительная таблица Закона Республики Узбекистан «О семеноводстве» с рекомендациями ФАО и предлагаемым модельным проектом ФАО*). C. Bullon, R. Zhazykbaeva, U. Khaknazar. Tashkent, Uzbekistan, March 2019. 11 pp.
- ❑ Comparison table of the Law of the Republic of Uzbekistan “On Breeding Achievements” with the International Union for the Protection of New Varieties of Plants (UPOV) Model Law (Manual UPOV/INF/6/4) and FAO Comments (*Сопоставительная таблица Закона Республики Узбекистан «О селекционных достижениях» с модельным законом UPOV [Руководство UPOV/INF/6/4] и комментарии ФАО*). C. Bullon, R. Zhazykbaeva, U. Khaknazar. Tashkent, Uzbekistan, March 2019. 16 pp.
- ❑ Draft National Action Plan for Seed Policy. B. Husenov, S. Kozubaev. Tashkent, Uzbekistan, March 2019. 27 pp.
- ❑ Draft regulations on variety testing, registration and PVP. S. Kozubaev, B. Husenov. Tashkent, Uzbekistan, March 2019. 54 pp.
- ❑ Draft regulations on seed quality control and certification. S. Kozubaev, B. Husenov. Tashkent, Uzbekistan, March 2019. 65 pp.

ACHIEVEMENT OF RESULTS - LOGICAL FRAMEWORK

Expected Impact	Improved rural livelihoods, food security and market opportunities resulting from the stronger seed sector and the phytosanitary system, functioning according to internationally accepted rules and standards. Consequently, the improvement of the seed sector and the phytosanitary system will facilitate sustainable intensification of crop production, leading to increased crop productivity, added-value products for the national economy, enhanced institutional capacity and development of regional trade		
Outcome	The expected outcome of the project is improved legislation and strengthened institutional capacities of national counterparts for variety testing, registration and protection, seed quality control and certification, as well as for administering the phytosanitary system		
	Indicators	<ul style="list-style-type: none"> - Amendments to acting and drafting new seed, PVP, plant protection and phytosanitary laws and main regulations. - Draft National Action Plan for Seed Policy (NAPSP) developed. - Links with international agreements and conventions strengthened. - Agricultural legislative database developed. 	
	Baseline	<ul style="list-style-type: none"> - Current laws and regulations to be updated. - There is no NAPSP. - Uzbekistan is not a member of WTO or IPPC. - There is no agricultural legislative database. 	
	End Target	<ul style="list-style-type: none"> - Updated/amended/new draft laws and regulations for seed and phytosanitary control. - NAPSP is developed in a participatory way and presented to the Government. - Key policy-makers, NPPOs, and public and private sector representatives have increased awareness on provisions of international agreements and conventions. - Agricultural legislative database at the MoA is developed and activated. 	
	Comments and follow-up action to be taken	<ul style="list-style-type: none"> - Amendments to the acting laws on seed, PVP and plant protection and phytosanitary were prepared. In addition, new drafts of the above-listed laws were produced, translated into Russian and submitted to the Government. - A draft NAPSP was developed and submitted to the Government. - The project facilitated the establishment of contacts of the SPQI with the Secretariat of the IPPC, and raised awareness about the international conventions. As a result, the representatives of the SPQI participated in the meetings of the CPM in 2018 and 2019, discussed with the IPPC Secretariat the ratification of the Convention by the Government of Uzbekistan, etc. - Owing to intensive changes being carried out in the institutional framework of the country, the Agricultural legislative database at the MoA could not be developed. 	
Output 1	Status of seed sector assessed, the national seed legislation reviewed and proposals for improvement developed		
	Indicators	Target	Achieved
	Updated seed, PVP, plant protection and phytosanitary laws and regulations	100%	Yes
Baseline	0		
Comments	A report on the assessment of the seed sector and PVP, and national legal reports, including a report on the assessment of seed and PVP legislation against international best practices, were prepared. In addition, regulations on plant variety testing, registration and protection, as well as on seed quality control and certification were drafted and submitted to the Government in June 2019. During the workshop on the development of the new Seed Policy of Uzbekistan, which was conducted on 7 March 2019, the draft NAPSP was presented and discussed. The document was then reviewed and submitted to the Government in June 2019. The MoA is committed to taking further actions on discussing the laws and regulations, as well as the implementation of the NAPSP.		
Activity 1.1	Plan and conduct an inception workshop to discuss the project		
	Achieved	Yes	
	Comments	The inception workshop was held on 15 February 2017 in Tashkent, Uzbekistan. The objective of the workshop was to have an overview of the project outcomes, outputs and activities; and to discuss the project work plan with workshop participants. In total, 25 participants, including members of parliament, specialists from the MoA, scientists, and representatives from FAO, the International Center for Agricultural Research in the Dry Areas (ICARDA) and IPPC participated in the workshop.	

Activity 1.2	Select and recruit national and international consultants for all outputs of the project	
	Achieved	Yes
	Comments	All national and international consultants were hired on time.
Activity 1.3	Assessment of the seed sector and PVP	
	Achieved	Yes
	Comments	The report on the assessment of the seed sector and PVP was prepared by the national consultant and reviewed by the international consultant. In view of the varietal development and seed sector activities, and considering critical issues on regulatory framework and weaknesses the key observations/recommendations were defined in the report. Owing to changes in the institutional framework of the country, in September 2018, meetings were conducted with main stakeholders (Ministry of Innovative Development, MoA [State Commission for Variety Testing of Agricultural Crops]) and Intellectual Property (IP) Agency on the status of seed legislation and reforms.
Activity 1.4	National workshop to discuss the seed sector, seed and PVP legislation	
	Achieved	Yes
	Comments	A national workshop on seed sector, seed and PVP legislation was held on 15 November 2017 in Tashkent, and to discuss the current status of the seed sector and regulatory framework. In total, 25 members of Parliament and staff from the MoA and National Agricultural Research System (NARS), including participants from FAO, ICARDA and IPPC, attended the workshop. During the workshop, a general overview was provided regarding the existing national legislations and international frameworks on seed, PVP and phytosanitary measures, including the IPPC and its capacity-development tools. On 14 September 2018, a workshop on variety registration for the Variety testing centre of the MoA was conducted by the international consultant.
Activity 1.5	Formulate and then discuss recommendations to strengthen seed and PVP legislation	
	Achieved	Yes
	Comments	A national legal report, which included the analyses of seed and PVP legislations and proposals for improvements, together with recommendations, was prepared by the national consultant.
Activity 1.6	Formulate and then discuss amendments to seed and PVP laws	
	Achieved	Yes
	Comments	- Amendments were prepared to seed and PVP legislation and submitted to the MoA and Parliament in November 2017. - In September 2018, a meeting was held with the Agency of IP and PVP registration, where it was established that no major changes were required to the PVP law.
Activity 1.7	Formulate regulations on variety testing, registration and PVP	
	Achieved	Yes
	Comments	Regulations on variety testing, registration and PVP prepared by the national consultant were reviewed by the international consultant and submitted to the Government in June 2019.
Activity 1.8	Formulate regulations on seed quality control and certification	
	Achieved	Yes
	Comments	Regulations on seed quality control and certification procedures prepared by the national consultant were reviewed by the international consultant and submitted to the Government in June 2019.
Activity 1.9	Develop and discuss a National Action Plan for Seed Policy	
	Achieved	Yes
	Comments	During the workshop on the development of the new Seed Policy of Uzbekistan, which was held on 7 March 2019, the drafted document was discussed, and after being revised was submitted to the Government in June 2019.

Output 2	National phytosanitary legislation reviewed and proposals for updating developed		
	Indicators	Target	Achieved
	- Draft NAPSP is developed; - Updated seed, PVP, plant protection and phytosanitary laws and regulations.	- One unit - 100%	Yes
Baseline	- 0 - 0		
Comments	The national legal consultant prepared a national legal report, including an assessment of Uzbekistan phytosanitary legislation against the IPPC and its International Standards for Phytosanitary Measures (ISPMs). In addition, detailed comments were provided on the new draft Law on Plant Quarantine, together with recommendations for improvement.		
Activity 2.1	Assess national phytosanitary legislation, including updated legislation addressing plant protection and plant quarantine		
	Achieved	Yes	
	Comments	An assessment of the country's phytosanitary framework was conducted by the national consultant and the international consultant, which included an analysis of the legal and institutional framework of plant quarantine and plant protection activities in Uzbekistan. In addition, detailed comments were provided jointly by the international and national consultant on the new draft Law on Plant Quarantine, which was prepared by the SPQI, together with recommendations for improvement. All documents were translated into Russian and submitted to the SPQI. The results of the assessment and recommendations were also communicated during the workshop held on 15 November 2018 for stakeholders, including the SPQI and the MoA. Staff of the IPPC Secretariat also participated in the workshop and made presentations on phytosanitary law, the IPPC, and the WTO-SPS Agreement principles.	
Activity 2.2	Develop a proposal to strengthen the national phytosanitary legislation, including updated legislation addressing plant protection and plant quarantine		
	Achieved	Yes	
	Comments	The project team provided support to the SPQI and strengthened its capacity in conducting the PCE. During the project, most of the PCE modules were completed and the outputs were presented at the workshop in June 2019. The experts from the SPQI were unable to allocate sufficient time to this exercise, owing to other commitments; however, it is committed to finalizing the PCE. Recommendations on improving phytosanitary legislation were submitted, and a workshop was held for both the SPQI and a Plant Protection company (<i>Uzagrokimohimoya</i> [UzAgroChemicalProtection]) in November 2017 and August 2018.	
Activity 2.3	Organize a two-day national workshop on phytosanitary and plant protection legislation		
	Achieved	Yes	
	Comments	Three national workshops were conducted by the international consultant and the national consultant in June 2017, November 2017 and June 2018. During August 2017, Module 2 of the PCE workshop on the legal framework was analysed and filled in jointly with representatives of plant quarantine and plant protection agencies.	
Activity 2.4	Identify the key implementing phytosanitary regulations and prepare draft texts		
	Achieved	Yes	
	Comments	The draft Law on Plant Quarantine was prepared and submitted to the SPQI for further discussion and approval. FAO also prepared comments/recommendations for the following draft regulations, based on the request of the SPQI: - general import requirements; - procedures of issuance of import permit; - procedures of issuance of export certificate; and - justification for merging plant protection and plant quarantine laws into one law. Comments and recommendations for the "Analytical report" were prepared by the SPQI for the Government on arguments for joining the IPPC.	
Activity 2.5	Support MAWR to establish and maintain an agricultural legislation database		
	Achieved	No	
	Comments	Owing to the intensive changes being made in the institutional framework of the country, this activity was not conducted.	

Output 3	National capacity for plant health strengthened and trade facilitated through linking with international agreements and conventions		
	Indicators	Target	Achieved
	Links with international agreements and conventions strengthened	100%	Partially
Baseline	0		
Comments	The project supported the preparation of an application for a Project Preparation Grant (PPG), which was submitted to the Standards and Trade Development Facility (STDF)-WTO for funding.		
Activity 3.1	Review the outputs of PCE conducted under TCP/SEC/3403 and formulate the strategic plan for the development of the phytosanitary capacity of Uzbekistan		
	Achieved	Partially	
	Comments	<p>On August 2017, the PCE process was launched. Module 2 of the PCE on the legal framework was analysed jointly with representatives of the SPQI and UzAgroChemicalProtection. In June 2018, a one-week training course on strategic planning was conducted with the involvement of the international phytosanitary consultant and IPPC Secretariat staff. The principles of strategic planning were demonstrated with the use of one of the PCE modules on export certification.</p> <p>However, the PCE application was not completed. The expected National Capacity Development Strategy, with an associated work plan, could not be produced because of the lack of input by national stakeholders.</p> <p>As indicated under Activity 2.2, the SPQI is committed to finalizing the PCE. In view of this, it is recommended that funding be sought to support its completion; as well as for the development and implementation of the National Capacity Development Strategy in the framework of the new project funded by the World Bank, which has a strong component on improving phytosanitary issues.</p>	
Activity 3.2	Conduct an awareness-raising national workshop on IPPC and SPS of WTO		
	Achieved	Yes	
	Comments	<ul style="list-style-type: none"> - An IPPC and WTO-SPS Agreement awareness-raising workshop was held in November 2017, in collaboration with the IPPC expert. - In June 2018, a national workshop on the IPPC and the WTO-SPS Agreement was held; and a draft law was prepared by the national consultant. 	
Activity 3.3	Organize a national multistakeholder workshop on phytosanitary issues		
	Achieved	Yes	
	Comments	<p>SPQI management was completely replaced in December 2017; therefore, all initial plans for holding a national multistakeholder workshop were postponed.</p> <p>A final workshop was conducted on 28 June 2019 in Tashkent. More than 45 participants representing ministries, universities, scientific research institutions, international organizations and plant quarantine, as well as plant protection organizations, participated</p>	

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