



## LAW OF MONGOLIA

June 17, 1999

Ulaanbaatar city

### ABOUT CULTIVATED SEEDS AND VARIETIES

#### CHAPTER ONE GENERAL PROVISIONS

##### **Article 1. Purpose of the law**

1.1. The purpose of this law is to regulate relations related to protection of gene pool of cultivated plants in the territory of Mongolia, testing and certification of varieties, quality control of seeds and varieties, formation and expenditure of the state seed resource fund.

##### **Article 2. Legislation on seeds and varieties of cultivated plants**

Legislation on seeds and varieties of cultivated plants shall consist of the Constitution of Mongolia, this law and other legislative acts enacted in conformity with them.

2.2. If an international treaty to which Mongolia is a party provides otherwise than this law, the provisions of the international treaty shall prevail.

##### **Article 3. Terms of the law**

3.1. The following terms used in this law shall have the following meanings:

3.1.1. "Seeds" means live seeds, seedlings, seedlings, embryos and growing organs capable of ensuring the reproduction of a given variety, used for reproduction, reproduction and economic purposes;

3.1.2. "Variety" means a group of plants of the same origin created by selection method and containing stable economic, biological, hereditary and formal characteristics;

3.1.3. "Silk seed" means seeds that have been deliberately selected and propagated in order to ensure the reproduction of certain varieties;

3.1.4. "Variety seed" means a seed belonging to the next stage of silk seed by quality classification;

3.1.5. "Guaranteed variety" means a variety selected in the region for general and specific biological and economic characteristics, approved by the Variety Testing Council and registered in the list of cultivars to be cultivated;

3.1.6. "Promising variety" means a variety that, according to the initial test results, exceeds the guaranteed variety in terms of basic economic and biological parameters, but is not officially approved;

3.1.7. "Variety control" means the activity of inspecting the area sown for seeds by a professional organization on the spot and verifying the purity of the variety;

3.1.8. "Hybrid" means a hybrid plant used only for the production of marketable products using the advantages of first generation hybrids (heterosis);

3.1.9. "Crop plant gene pool deposit" means the activity of storing, protecting and using live varieties and samples registered in the plant gene pool of Mongolia.

##### **Article 4. Deposits of the gene pool of cultivated plants**

4.1. In order to increase, preserve, protect and use the gene pool of cultivated plants for selection, the gene pool of cultivated plants shall be established.

4.2. The savings of the plant gene pool shall consist of Mongolian selection and local varieties, hybrids, local samples and foreign varieties.

4.3. The savings of the gene pool of cultivated plants shall be owned by the state and its replenishment, renewal and use shall be carried out by a professional organization authorized by the state central administrative body in charge of agriculture.

#### **Article 5. State Seed Reserve Fund**

5.1. A state seed reserve fund shall be established for the purpose of supplying seeds and renewing seeds to producers, citizens and economic entities and organizations engaged exclusively in the production of food and fodder grains who have not been able to reserve seeds for sowing due to natural disasters.

5.2. The Government shall establish the procedure for establishing and spending the state seed reserve fund.

#### **Article 6. Rights and responsibilities of citizens, business entities, organizations and local administrative organizations regarding seeds and varieties of cultivated plants**

Citizens, business entities and organizations shall have the following rights regarding seeds and varieties of cultivated plants:

6.1.1. To propagate silk, varietal and hybrid seeds by the order and contract of the state administrative body in charge of agricultural matters;

6.1.2. To submit a request to the Variety Testing Council to certify the new variety he / she has created in terms of pedigree.

Citizens, business entities and organizations shall have the following responsibilities regarding seeds and varieties of cultivated plants:

6.2.1. To register and deposit new varieties created by him / her in the savings fund of cultivated plants;

6.2.2. To include self-produced seeds in seed and quarantine control;

6.2.3. To sell and transfer seeds of guaranteed varieties and hybrids that meet the state quality standards for sowing seeds, the origin and technology of production are clear and guaranteed;

6.2.4. To import seeds that meet national quality standards for sowing seeds;

6.2.5. To have varieties inspected and certified in seed sowing areas;

*/ This provision was repealed by the law in January 20, 2011 /*

6.2.6. To supply and supply to the state seed reserve fund only seeds that meet the state quality standards for sowing seeds.

6.3. Governors at all levels shall be obliged to provide support and assistance to seed producers in possession of areas with favorable agro-climatic conditions and to introduce scientific achievements in seed breeding areas for the purpose of producing silk and varietal seeds.

## **CHAPTER TWO**

### **STATE VARIETIES TESTING, SEED AND VARIETY QUALITY CONTROL**

#### **Article 7. State variety testing**

7.1. New varieties of cultivated plants shall be selected by testing and comparing them with the certified varieties in the cropping zone, and state varieties shall be tested in order to study and develop the cultivation technology.

7.2. The Variety Testing Council (hereinafter referred to as the "Council") shall be responsible for organizing and coordinating the state varietal testing and monitoring and certifying new varieties by pedigree.

7.3 The Board shall be non-staff.

7.4. The charter and composition of the Council shall be approved by the state central administrative body in charge of agriculture.

7.5. Variety testing shall be carried out by professional organizations and citizens (hereinafter referred to as "variety tester").

7.6. Variety tester has the following responsibilities:

7.6.1. To carry out testing of varieties and development of planting technology in the cropping zone in accordance with the approved methodology;

7.6.2. To propagate seeds of promising varieties in the jurisdiction;

7.6.3 provide professional assistance to citizens, business entities and organizations on seed multiplication and variety cultivation technology;

7.6.4. To test varieties on the basis of the permission of the owner of the new variety;

7.6.5 Report annually to the Board.

7.7. Copyright certificates shall be issued to authors of new varieties released by biological methods certified by the Council in accordance with paragraph 1 of Article 6 of the Copyright Law.

#### **Article 8. Ownership of varieties**

8.1. The person who obtained the certificate specified in 7.7 of this Law shall be the owner of the variety.

The owner of the variety shall have the following rights:

8.2.1. To personally participate in the development of varietal technology documents, their introduction into production, and to supervise the author;

8.2.2. To receive royalties;

8.2.3. To transfer or inherit ownership rights to others.

8.3. The amount of payment for the use of the variety shall be determined on the basis of an agreement agreed between the owner and the user.

8.4. The term of payment for royalty shall be up to 5 years.

8.5. Business entities and organizations that have financed the author's work shall have the right to own up to 50 percent of the fee for the use of varieties.

#### **Article 9. Quality control of seeds and varieties of cultivated plants**

9.1. The state inspector of seed control shall exercise state control over the quality of seeds and varieties of cultivated plants.

9.2 The Government shall approve the rules of state control over the quality of seeds and varieties of cultivated plants.

9.3. Senior state inspector and state inspector of seed inspection shall be appointed and dismissed in accordance with Article 10 of the Law on State Inspection.

*/ This part was amended according to the law dated June 10, 2010 /*

9.4. The state inspector of seed control shall exercise the following powers in addition to those specified in Article 10.9 of the Law on State Inspection:

*/ This part was amended according to the law dated June 10, 2010 /*

9.4.1. To monitor whether the citizens, business entities and organizations that have contracts to supply seeds to the State Seed Reserve Fund and to multiply silk and variety seeds have their seeds analyzed and certified;

9.4.2. To inspect varieties in the seed field and to supervise the work of inspectors;

*/ This provision was repealed by the law in January 20, 2011 /*

9.4.3 monitor the implementation of technology for breeding vegetable seeds, other plants and hybrid seeds;

9.4.4. To monitor whether the seeds for sowing, sale and imported seeds of citizens, business entities and organizations have been analyzed and certified.

9.5 Seed quality shall be verified by an accredited testing laboratory.

9.6. The state central administrative body in charge of agriculture shall determine the procedure for laboratory activities specified in 9.5 of this Law.

#### **Article 10. Liability for violators**

*/ The title of this article was amended by the Law of December 4, 2015 /*

A person or legal entity that violates this Law shall be subject to liability specified in the Criminal Code or the Law on Violations.

*/ This part was amended according to the law dated December 4, 2015 /*

10.2. The issue of compensation for damage caused due to violation of the rights of the variety owner shall be resolved in accordance with the Civil Code.

**CHAIRMAN OF THE PARLIAMENT OF MONGOLIA R. GONCHIGDORJ**