

REGIONAL SEED AGREEMENT of the ECONOMIC COOPERATION ORGANISATION (ECO)

PREAMBLE

The member states of the Economic Cooperation Organization (hereinafter referred to as ECO) comprising the Islamic Republic of Afghanistan, the Republic of Azerbaijan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Republic of Tajikistan, the Republic of Turkmenistan, the Republic of Turkey and the Republic of Uzbekistan

Motivated by the commitment to facilitate trade in the ECO region;

Wishing to promote technical collaboration among member countries;

Concerned to increase food security at both household and national levels;

Recognizing the similar agricultural conditions that prevail across much of the region;

Understanding the fundamental importance of seeds for improving agricultural production;

Wishing to promote the development of a dynamic and competitive seed industry that meets the needs of farmers;

Recalling the detailed discussions that have taken place in workshops organized by the FAO-ECO Project “Seed Sector Development in Countries of the Economic Cooperation Organization”

have agreed as follows:

Article 1 – Objective

The objective of this Agreement is to harmonize the regulatory framework and technical procedures among the member states in order to facilitate the free movement of plant varieties and seeds throughout the region.

Article 2 - Use of terms

For the purposes of the ECO Regional Seed Agreement, hereinafter referred to as the Agreement, and unless the context requires otherwise:

- Board means the Regional Seed Board that will be established under this Agreement;
- ECO means the Economic Cooperation Organization;
- ECO Region means the territories of the Member States of the Economic Cooperation Organization;
- Instrument of Accession means a legal document by which a Member State becomes a Party to the ECO Regional Seed Agreement.

- Parties means the Member States of the Economic Cooperation Organization (ECO) that have signed or ratified the Agreement;
- Regional Seed Strategy means a document that provides guidance for each Member State to manage its seed sector in a way that will achieve the objective of this Agreement;
- Secretariat means the Secretariat of the Economic Cooperation Organization;
- Seed means any generative and vegetative plant parts that can be used for the purpose of propagation.

Article 3 – Principles

1. The Agreement shall be governed in accordance with the principles of reciprocity and mutuality of advantages that bring equitable economic and social benefit to the Parties.
2. The Agreement shall be implemented progressively with periodic reviews according to the needs and priorities of the Parties.
3. The Parties shall establish a Regional Seed Board to coordinate and monitor the implementation of this Agreement. The governance procedures to be followed by the Board are described in Articles 8 and 9 of this Agreement.

Article 4 – Scope

This Agreement shall apply only to matters relating to plant varieties and seeds of the crop species defined by the Regional Seed Board.

Article 5 - Obligations

1. In order to achieve the objective set out in Article 1, the Parties shall -
 - a. Support initiatives to harmonize the regulations and procedures for variety testing, registration and protection, seed quality control and certification, seed standards, import / export procedures and phytosanitary control in the region;
 - b. Adopt national policies and legal measures to develop the seed industry in the region for the benefit of farmers, growers, processors and consumers;
 - c. Support and facilitate the free movement of seeds in order to strengthen the seed trade and market in the ECO region.
2. Specifically, the Parties will strengthen technical cooperation in the following areas:
 - a. Variety development, testing, registration and protection;
 - b. Seed quality control and certification;
 - c. Seed supply and marketing;
 - d. Seed import and export;

- e. Phytosanitary procedures.
- 3. Each Party will ensure that seeds and varieties imported and/or exchanged with any other Party shall be accorded treatment no less favorable than that accorded to similar products of national origin in the matters referred to in Article 5.2.
- 4. Exchange of genetic resources between Parties shall be in accordance with the International Treaty on Plant Genetic Resources for Food and Agriculture.
- 5. The Parties will encourage scientific and technical cooperation between their organizations and institutions representing both public and private sectors.
- 6. The Parties will encourage and support the education and training of professional staff involved in the areas listed in Article 5.2.

Article 6 – Technical Cooperation

- 1. Technical cooperation may be undertaken in the following areas:
 - a. Participation in joint research projects;
 - b. Arranging international, regional or bilateral workshops and conferences;
 - c. Exchange of scientific or technical information and literature;
 - d. Exchange of scientists and experts;
 - e. Exchange of varieties and seed samples;
 - f. Participation in calls for projects requiring multilateral participation under the programs of international organizations;
 - g. Publishing joint papers and reports;
 - h. Other forms of cooperation agreed by the Parties.
- 2. The results or other outputs arising from such cooperation may be used by the Parties themselves and/or may, by mutual agreement, be offered to third parties.

Article 7 - Financial Conditions

Cooperation specified in Article 6 shall be carried out under the following financial conditions:

- 1. The Parties shall share the cost of activities on a mutually agreed basis according to the expected contribution by the participants.
- 2. The financial arrangements for such collaboration shall be recorded in writing before the start of the work and shall be notified to the Secretariat unless they contain details of a confidential nature.
- 3. The ECO Secretariat may provide financial support for conducting collaborative activities.

Article 8 – Governance

1. The Parties agree that the Regional Seed Board shall act as the Governing Body for this Agreement. In all its deliberations, the Board shall be guided by the objective and principles of this Agreement.
2. The Board shall comprise one senior representative with relevant technical expertise from each of the Parties and the President of ECO Regional Seed Association (ECOSA).
3. The Board shall coordinate, administer and monitor the implementation of the Agreement taking account of the guidance proposed under the Regional Seed Strategy.
4. The Board may take decisions in matters arising from this Agreement or from the Regional Seed Strategy. On other matters, the Board may make recommendations.
5. The Board shall develop an annual workplan to implement the Agreement and shall report on the progress of the annual workplan.
6. The Board shall maintain close contact with the ECO Regional Seed Association and may cooperate with other national, regional and international organizations that are concerned with plant varieties and seeds.
7. After prior consultation with the Parties, the Board shall have the mandate to represent member states in regional economic blocs in matters relating to varieties and seeds.

Article 9 - Procedures of the Regional Seed Board

1. The ECO Secretariat shall act as the Secretariat of the Regional Seed Board and any subsidiary bodies established by the Board.
2. The Board shall meet at least once each year and if a majority of its members are present, the meeting may be conducted. Any Party may request an extraordinary meeting of the Council by submitting a request to the Secretariat, with an explanation and justification of the purpose of the meeting.
3. The Board shall prepare and adopt rules of procedure that shall, inter alia, contain provisions for convening and conducting its meetings. These rules and procedures shall, as far as possible, be in accordance with those already used by the Economic Cooperation Organization for the conduct of its business.
4. The Board shall elect a chair among members who will serve for a period of two years. In its meetings, each member of the Board shall have one vote. Decisions and recommendations of the Board shall be made by consensus where possible. In case a consensus is not reached, the Board shall decide by a simple majority of the votes cast by members.
5. The Board may establish such specialist bodies, committees or working groups as it may consider necessary for the efficient conduct of its business.

6. If a representative of a Party accepts a decision of the Board subject to approval by their Ministry or Government, the representative shall confirm to the Secretariat if that approval has been given within a period of three months from the date of the meeting.

Article 10 - Procedure for Settlement of Disputes

1. Any dispute or complaint by one Party against another Party in respect of its compliance with the Agreement shall be notified to the Regional Seed Board in writing with a detailed explanation of the nature of the complaint.
2. The Parties concerned shall give to the Board all necessary information and assistance required to examine the case. The Board shall first try to resolve the dispute by means of conciliation and mediation. Within a period of 90 days from the date of notification, the Board shall propose the actions that it considers are required to remedy the complaint notified by the Party.
3. If the Board fails to obtain an agreement among the Parties within thirty working days of proposing these remedial actions, the Party concerned may adopt appropriate measures to address the complaint and shall notify these measures to the Board.

Article 11 - Cooperation with International and Regional Organizations

In order to promote seed trade within the Region, the Parties may make whatever arrangements are appropriate for cooperation with the United Nations and its specialized agencies, and with other international and regional organizations concerned with seeds and varieties.

Article 12 - Trade Relations Governed by this and Other Agreements

1. This Agreement shall not restrict or prevent any existing or future trade agreement entered into by a Party provided that this does not conflict with the objectives of this Agreement or with the ECO trade regime.
2. The Parties shall abstain from actions or agreements with third parties that contradict the provisions of this Agreement and thereby hinder the objective set out in Article 1.

Article 13 – Depository, Ratification and Amendment

1. The Secretariat of ECO shall act as the Depository for the Agreement.
2. A Member State shall ratify the Agreement and become a Party to it by depositing a formal Instrument of Accession signed by a senior government official, according to the normal legal procedures of the State.
3. The Instrument of Accession of each Member State shall be deposited with the ECO Secretariat, as soon as possible after the signing of this Agreement.
4. The Instrument of Accession shall specify an official point of contact within the Government or Ministry that can be used by the Secretariat to communicate all information relating to the Agreement.

5. The Secretariat shall notify Member States that have signed or ratified the Agreement of the deposit of any such instrument by another Member State any other act or notification relating to the Agreement.
6. The Agreement may not be signed or ratified with reservations nor shall any reservations be accepted prior to the time when the Agreement enters into force as specified in Article 15.
7. The Agreement may be modified or amended through mutual agreement of the Parties.

Article 14 - Withdrawal from the Agreement

1. A Party may withdraw from the Agreement at any time after its entry into force. Such withdrawal shall become effective six months from the day on which written notice of withdrawal is received by the ECO Secretariat. Upon receiving such notification, the Secretariat shall inform other Parties accordingly.
2. The rights and obligations of a Party, which has withdrawn from the Agreement, shall cease to apply from that effective date.
3. Following withdrawal by any Party, the Regional Seed Board shall decide on any necessary actions arising from the withdrawal, particularly with regard to cooperation activities already in progress.
4. If a Party withdraws, the agreement shall remain in force for the other Parties.

Article 15 – Entry into Force

1. This Agreement shall enter into force on the thirtieth day after the date of receipt by the Depository of an Instrument of Accession by three of the Parties. The Secretariat shall then inform all Member States that the Agreement has entered in force.
2. If the Agreement has not entered into force in accordance with the provision of paragraph 1, within one year of its official publication by the Secretariat, representatives of the Parties that have deposited their Instruments of Accession shall meet and may decide if the Agreement shall enter into force among those Parties.
3. The Agreement shall remain open for signature and ratification by the other Member States at any time during its period of validity.
4. This Agreement, comprising 15 Articles, is valid and binding on the Parties for an initial period of ten years from the date on which it enters into force.
5. This Agreement may be further renewed or extended upon agreement between the parties, which shall be made not later than six (6) months prior to the termination date.

IN WITNESS WHEREOF the Ministers/Heads of Delegation, being duly authorized to do so, have signed the present Agreement and thereby indicate their intention to proceed with formal ratification according to Article 13 of the Agreement.

Done at _____ on _____ 2016 in two authentic copies in the English and Russian languages which shall be deposited with the Secretary General of the ECO Secretariat. In case of discrepancy between the English and Russian texts, the English text shall prevail.

For the Islamic Republic of Afghanistan:

For the Republic of Azerbaijan:

For the Islamic Republic of Iran:

For the Republic of Kazakhstan:

For the Kyrgyz Republic:

For the Islamic Republic of Pakistan:

For the Republic of Tajikistan:

For the Republic of Turkmenistan:

For the Republic of Turkey:

For the Republic of Uzbekistan: