

Policy, Legal and Regulatory

Country: Kenya

	Profile Element	Response
1	National seed policy (name, date, date of last update)	National Seed Policy 2010. (Government of the republic of Kenya 2010).
2	National seed strategy (name, date, date of last update, status of implementation)	Not available in Kenya
3	National extension and agricultural advisory policy (name, date, date of last update)	National Agricultural Sector Extension Policy (NASEP) June 2012. Other related laws are Crops Act 2013, Pest Control Products Act Cap 346
4	National seed law and amendments (name, date, date of amendments) (may be in the form of a law, act, or proclamation)	Seeds And Plant Varieties Act. Chapter 326. Revised Edition 2012 [1991] but has undergone several amendments as late as 2016
5	National seed regulations and revisions (may be multiple regulations related to general matters, certification, variety evaluation, etc.) (name, date, date of revision)	The Seeds and Plant Varieties Act, Cap 326 has three sets of principle regulations. i) Seeds and Plant Varieties (Seeds) Regulations (2016), ii) Seeds and Plant Varieties (Variety Evaluation and Release) Regulations (2016), and iii) the Seeds and Plant Varieties (Plant Breeder's Rights) Regulations (2012).
6	Guidelines, Directives related to general seed matters, certification, variety evaluation, etc. (name, date, date of revision)	Same as 5: i. Guidelines For Conducting National Performance Trials (NPT) and Distinctness, Uniformity And Stability (DUS) Tests; on Genetically Modified Crops In Kenya 2018 ii. Guidelines For Authorization of Seed Certification Activities in Kenya. 2017
7	Plant Health Protection/Quarantine law and amendments (name, date, date of amendment)	Plant Protection Act. Chapter 324. Revised Edition 2012. New Plant Protection Bill 2021 currently at the Attorney General's Office for drafting before submission to parliament.
8	Plant Health Protection/Quarantine regulations and revisions (name, date, date of last revision)	Plant Protection (General) Regulations, 2021
9	Plant Variety Protection/Plant Breeders' Rights law and amendments (name, date, date of amendments)	Domiciled in the Seeds And Plant Varieties Act. Chapter 326. Revised Edition 2012 [1991]
10	Plant Variety Protection/Plant Breeders' Rights regulations and revisions (name, date, date of last revision)	The Seeds and Plant Varieties (Plant Breeder's Rights) Regulations establish the Plant Breeders' Rights Committee. The functions of this committee include developing the plant breeders' rights policy, reviewing and recommending appropriate plant breeders' rights, and recommending the registration of owners of plant varieties.

11	Biosafety law and amendments (name, date, date of amendment)	The Biosafety Act, 2009 was passed into law in December 2008, amended in 2018
12	Biosafety regulations and revisions (name, date, date of last revision)	The Biosafety (Environmental Release) Regulations, 2011
13	Customs Code/ law and amendments (name, date, date of amendments)	The Customs And Excise Act Chapter 472 (Revised Edition 2000 (1996))
14	Presence of seed quality standards and protocols for the focus crops by class (crop, date, date of last update)	1. Seed Potato Production and Certification Guidelines (2016). 2. Seed Field Inspection Standards according OECD Seed Scheme. 3. Seed Quality Testing Standards according to International Seed Testing Association Standards
15	Stakeholder access channels for copies of laws, regulations, etc. (include website links)	Easily accessible on http://kenyalaw.org:8181/exist/kenyalex/index.xql
16	Membership in regional seed-related entities (list entities)	Kenya is a member of the COMESA, country's regulations are officially aligned with the COMESA Seed Trade Harmonization Regulations (COMESA, 2014); in two regulations – the Seeds Regulations and the Variety Evaluation and Release Regulations: Member of EAC seed committee. Others are Africa Regional Intellectual Property Organization (ARIPO) for plant variety protection
17	Membership in seed-related international conventions and treaties	Kenya is also a member of the African Intellectual Property Organization (ARIPO), which is in the process of developing an instrument for the protection of new plant varieties, based on the Arusha Protocol, which was adopted by member states in 2015, but has so far not entered into force. However, Kenya has already been a member of UPOV since 1999 under the 1978 Act of the Convention and acceded to the 1991 Act in 2016. Furthermore, it is a state party to the Convention on Biological Diversity (CBD), the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization. Seed certification is carried out by KEPHIS

		<p>according to the International Seed Testing Association (ISTA) rules and standards set by the Organisation for Economic Co-operation and Development (OECD).</p>
18	<p>Name, responsibilities and composition (by type and number of members) of the variety release committee, number of meetings per year</p>	<p>1) National Performance Trial Committee; a technical committee which coordinate the variety trials, data analysis and make recommendations to National Variety Release Committee. It is composed of crop specialists from NARs, CGIARs and universities working in collaboration with KEPHIS. 2)National Variety Release Committee comprises of the Head of the Directorate in charge of crops in the state department responsible for Agriculture who shall be the chairperson; the Managing Director, Kenya Plant Health Inspectorate, who shall be the secretary; the Head of Division, responsible for Agricultural Advisory Services in the state department responsible for Agriculture; a representative of the Governors' Council; the Chairperson of the Seed Trade Association of Kenya or his or her representative; the Chief Executive Officer of Kenya National Agricultural Farmers' Federation (KENAFF); the Chairman of the Plant Breeders Association of Kenya or his or her representative; and representative of an academic institution of higher learning offering training in agriculture or seed related sciences nominated by the National Variety Release Committee during its first sitting.</p> <p>The NVRC is convened by the chairperson meets at least once in every year.</p>

19	Names of other relevant seed-related committees under the regulations (responsibilities, # of times they meet in a year, composition, etc.)	<p>Seed Regulation Committee established in The Seeds and Plant Varieties (Seeds) Regulations, 2016 consists of the Head of the Directorate responsible for Crops at the State Department of Agriculture, who shall be the chairperson; the Director General, Kenya Agricultural and Livestock Research Organization; the Managing Director, Kenya Plant Health Inspectorate Service, who shall be the Secretary; the Director General, Agriculture, and Food Authority; a representative of the Governors' Council; two representatives of the Seed Trade Association of Kenya; the Chief Executive Officer of Kenya National Agricultural Farmers' Federation; and the chairperson of the Plant Breeders Association of Kenya or his representative.</p> <p>The committee shall meet at least once in a year, or as need may arise.</p>
20	Legal issues currently on the radar screen (list and status)	<p>1. Three draft regulations at various stages of development: the draft Seeds and Plant Varieties Regulations (Conservation, Access, and Benefits Sharing of Plant Genetic Resources for Food and Agriculture) focus on access to plant genetic resources; the draft Forestry Seeds Regulations cover forest seeds; and the draft Vegetative Propagating Seeds Regulations cover vegetatively propagated crops (roots and tubers). Revision of seed policy.</p> <p>The Bill, Regulations And Rules Under Review Or Development Are: -</p> <ul style="list-style-type: none"> Draft Plant Protection (Biological Articles And Control Agents) Regulations 2021 Draft Plant Protection (Decontamination Of Used Vehicles Machinery And Equipment) Rules 2021 Draft Plant Protection (General) Regulations 2021 Draft Plant Protection (Import And Export) Regulations 2021 Plant Protection Bill 2021 Reviewed Draft Plant Breeder's Rights Regulations 2021

21	Key institutions involved in seed sector regulations (year of establishment and mandate)	<p>1. Kenya Plant Health Inspectorate Service (KEPHIS), was formed by Kenya Plant Health Inspectorate Service Act 2012. KEPHIS is a regulatory state corporation mandated to carry out Seed certification, plant variety protection, Phytosanitary inspections and analysis of fresh produce samples and farm input quality.</p> <p>2. National Biosafety Authority (NBA), The Authority was established by the Biosafety Act, 2009 to regulate all activities involving GMOs in food, feed, research, industry, trade and environmental release and it fulfils its mandate by ensuring and assuring safe development, transfer, handling and use of GMOs.</p>
22	Main stakeholder groups involved in the seed policy making process in the country	<p>The Ministry of Agriculture, Livestock and Fisheries is mandated to formulate, implement, and monitor agricultural acts, regulations related to seed. KEPHIS is the primary regulatory authority for seeds and has a regulatory mandate to protect seeds and plant varieties, provide seed certification and laboratory services, and administer sanitary and phytosanitary (SPS) matters.</p> <p>Main stakeholders include the National Biosafety Authority (NBA), Seed Traders Association of Kenya (STAK), Research institutions (mainly KALRO and Universities involved in Agriculture), The Kenya National Farmers Federation, seed trade association, seed companies, Council of governors, NGOs/Civil Society.</p>
23	Main private sector stakeholders impacted by the seed policy, legal and regulatory instrument (Seed Companies, Farmers' Groups/ Unions/ Associations and Nongovernmental Organizations, etc) (name, role, contact).	<p>The Seed Traders Association was formed in 1982 under the Societies Act Cap 108 of the laws of Kenya, to represent the interests of the seed sector and to promote the development of formal seed trade. STAK is an association of seed companies registered by the Kenya Plant Health Inspectorate Service (KEPHIS) to produce, process and/or market seed in Kenya as well as organizations who play other supportive roles to agriculture. An independent Secretariat co-ordinates its activities in serving the interests of members.</p>

24	Main public sector stakeholders involved in regulation of the seed sector (National Seed Authority, variety release and registration department, seed certification department, National Agricultural Research Institution, Plant quarantine/health and protection department, Plant Variety Protection Office/Department, National Revenue Authority) (name, role, contact).	KEPHIS, the regulatory body, actively enforces the seed regulatory and plant protection policy. The National Biosafety Authority (NBA) regulate all activities involving GMOs, Anti-counterfeit Agency handling counterfeit issues.
----	---	---