

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Kenya's Planting Seed Report

Report Categories:

Planting Seeds

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Report Highlights:

Kenya's use of certified seeds continues to increase due to direct government programs and growth for the export horticulture industry. Expansion of horticultural sector may provide opportunities for future growth of vegetable seed imports. The publication of the new biosafety regulations will enable consideration of requests to import genetically modified seeds for commercial use.

General Information:

Production

According to the Government of Kenya (GOK) data, Kenya's use of certified seed totaled nearly 47,500 metric tons in 2010, with nearly 90 percent domestically produced. Domestically-produced corn seed dominates the market, but imported vegetable seeds have been growing over the last five years. Kenya produces only small amounts of vegetable seeds due to underdeveloped seed propagation programs for vegetables.

Vegetable seeds account for the largest share of the planting seed import market. Other crops where commercial seed sales occur include flower, pasture, and corn seeds.

Kenya Seed Company (KSC), a state corporation, produces over 80 percent of Kenyan certified corn seeds. KSC plans to increase domestic production to 43,000 tons for the upcoming planting season, with the majority of increase will be corn seed. There are 85 registered seed companies currently operating in the country.

The GOK has implemented a program of distributing free seed and fertilizer to many small-scale farmers. In addition, the GOK began promoting local seed production through the National Seed Policy. The National Seed Policy identified four priority areas: 1) provide financial support to research, extension, variety and species development, and technology transfer; 2) facilitate coordination between public and private sectors on research; 3) review variety evaluation, release and registration procedures; and 4) implement clear and transparent processes to access varieties and plant species.

Plant Health and Seed Regulations

FAS/Nairobi has identified six major Acts of Parliament governing the seed sector. These laws are administered principally by the Kenya Plant Health Inspectorate Service (KEPHIS), Pest Control Products Board (PCPB), and the National Biosafety Authority (NBA). They include the Seeds and Plant Varieties Act Cap 326; the Plant Protection Act Cap 324; the Suppression of Noxious Weeds Act Cap 325; the Agriculture Produce (Export) Act Cap 319; Pest Control Products Act (Cap 346); and the National Biosafety Act No. 2 (2009).

Only registered seed traders are allowed to import seed into Kenya. They must complete a seed regulation form (SR-14) and obtain a plant import permit (PIP) from KEPHIS as a pre-requisite for seed importation.

Seed Certification

Seed certification in Kenya is governed by the Seeds and Plant Varieties Act (Chapter 326 of the Laws of Kenya) and is guided by International Seed Testing Association (ISTA) rules of seed testing and the Organization of Economic Cooperation and Development (OECD) seed certification schemes. The certification process includes field registration, seed crop inspection during active growth, seed processing, seed laboratory testing, labeling and sealing, post control, and post certification survey.

All seed imported into the country must fulfill ISTA requirements in addition to satisfying the relevant phytosanitary measures including laboratory quality tests upon arrival.

Kenya's membership to OECD and ISTA enables trade with other member countries. However, majority of Kenya's trading partners in Africa are not members of either OECD or ISTA. Within the East African Community, Kenya and Uganda subscribe to OECD seed scheme but only Kenya subscribes to ISTA. This makes cross-border seed trade difficult as the neighboring countries are not compliant to international seed certification standards. As a result, Uganda is the largest export market for Kenyan seeds, though the market remains small.

Intellectual Property Rights (Plant Variety Protection/Plant Patents)

As a signatory of the International Union for the Protection of New Varieties of Seeds (UPOV) 1978 system, the GOK tests, registers and protects new varieties of plants in accordance with UPOV requirements and regulations in the Seeds and Plant Varieties Act (Cap 326). This ensures protection of plant breeders' rights from unauthorized production or propagation of protected varieties, and unauthorized sale/marketing activity.

Moreover, the GOK provides for trademark and brand name registration in Kenya. The Kenya Industrial Property Institute (KIPI) www.tradeandindustry.go.ke/kipi/ registers products via an application process. Trademarks are registered for ten years initially, but may be renewed indefinitely upon request.

Variety Approval

A variety approval process may take two or three seasons and includes the National Performance Trials (NPT) and Distinctness, Uniformity and Stability (DUS) tests. The fees are \$500 per season for NPT and \$600 for 2 seasons for DUS, respectively.

Genetically Modified Organisms (GMOs)/Biotechnology

Currently, the GOK has not allowed imports of genetically modified (GM) seeds for commercial use. In the future, it is anticipated that new biosafety regulations (still awaiting official publication) will enable consideration of requests to import GM seeds varieties for commercial use.

Tariff

Imported seeds are duty-free. However, importers must pay:

- an import declaration fee of 2.25 percent of the cost, insurance, and freight (C.I.F) value; and
- handling and documentation charges of 0.65 percent of the CIF value.