

MINISTER'S OFFICE

NORMATIVE INSTRUCTION N# 42, SEPTEMBER 17TH, 2019

The MINISTER OF AGRICULTURE, LIVESTOCK AND SUPPLY, exercising the powers conferred upon him by Art 87, single paragraph, item II, of the Constitution, in view of the provisions of Article 1st, item III, from Decree n# 8.851, from September 20th 2016, in view of the provisions from Law n# 10.711, from August 5th 2003, Decree n# 5.153, from July 23rd 2004, Normative Instruction MAPA n# 9, from June 2nd 2005, Normative Instruction MAPA n# 24, from December 16th 2005, Normative Instruction MAPA n# 25, from June 27th 2017, and the provisions from Process n# 21000.041403/2019-05, decides to:

Art. 1^o. To establish the Standards for the Production and Commercialization for Seeds and Seedlings of Vegetables, Spices, Medicinal and Aromatics Species and their seed standards, valid throughout the national territory, required to guarantee their quality and identity, in the form of this Normative Instruction and its Annexes.

§ 1. The standards of identity and quality for the production and commercialization of seeds of vegetable, spice, medicinal and aromatic species are set out in Annex I of this Normative Instruction.

§ 2. The medicinal species referred to in the caput are those contained in Annex I.

§ 3. The standards referred to in § 1 of this article will be effective as of March 31st, 2020.

Art. 2^o. To approve the models of the forms provided in the following Annexes:

Annex II - Declaration of Estimated Production for Seedlings of Vegetable, Spice, Medicinal and Aromatic Species; Annex III – Production and Commercialization Annual Report of Vegetable, Spice, Medicinal and Aromatic Species; Annex IV - Conformity Term for Seeds of Vegetable, Spice, Medicinal and Aromatic Species; Annex V - Additive Term; and Annex VI - Additive Term for Seed Treatment and / or Change of Packing Size for Seeds of Vegetable, Spice, Medicinal and Aromatic Species.

Art. 3^o. The seedlings producer of vegetable, spice, medicinal and aromatic species must register the production of the nursery, annually, through the Declaration of Estimated Production of Seedlings of Vegetable, Spice, Medicinal and Aromatic Species, for each specie or cultivar that intends to produce, to the supervisory body of the Federation Unit where the nursery is installed, according to Annex II.

§ 1. The presentation of Annex II must occur until the following dates:

I - up to 15 days after the installation of the nursery, in case of first enrollment in the activity; and

II - annually until March 31st, for all other cases.

§ 2. The declaration of estimated production for seedlings of vegetable, spice, medicinal and aromatic species must be made in accordance with Annex II of this Normative Instruction, accompanied by the following documents:

I - script for access to the nursery, when the first declaration is presented or when the nursery is relocated;

II - authorization from the holder of the intellectual property rights of the protected cultivar in Brazil, when applicable;

III - contract with the certifier, when applicable; and

IV - proof of payment of the corresponding fee.

§ 3. The seedling producer registered in the National Seed and Seedling Registry - RENAEM, without prejudice to the applicable penalty, can regularize the seedling production registration outside the defined deadlines, only if:

I - present the required documentation to the inspection body for the production registration; and

II - the technician responsible presents an inspection report, informing the conditions of the seedlings, the number of seedlings per species, per cultivar and per batch, and the seedlings category.

Art. 4º. When requested by the inspection, the seedling producer must prove the origin of the seeds or vegetative propagation material in an amount compatible with the number of seedlings produced and in production, by presenting the following documentation:

I - copy of the invoice for the purchase of the seed or vegetative propagation material, in the name of the seedling producer, or cooperator, or contractor, when the seeds or vegetative propagation material are acquired from third parties;

II - copy of the Certificate of Genetic Origin, Seed Certificate, Seed Conformity Term, Vegetative Propagation Material Conformity Term, as the case may be, and;

II - copy of the documents that allowed the internalization of the seed or material of vegetative propagation, when these are imported.

Art. 5º. The seedling producer must send the Production and Commercialization Report for Seedlings of Vegetable, Spice, Medicinal and Aromatic Species, annually, until March 31st of the year following the production, according to the model in Annex III, to the supervisory body of the Federation Unit where the seedlings were produced.

§ 1. The seedling producer must keep the following documents available for inspection for a period of 5 (five) years related to the Production and Commercialization Report for Seedlings of Vegetable, Spice, Medicinal and Aromatic Species:

I - seedling invoice;

II - Certificate of Genetic Origin, Seedling Certificate, Conformity Term, as appropriate;

III - Seedling Analysis Bulletin, when applicable; and

IV - Inspection Report.

Art. 6º. The production of seedlings of vegetable, spice, medicinal and aromatic species intended exclusively for the installation of seed production fields is exempted from the registration of nurseries.

Single paragraph. In transportation, the seedlings referred to in the caput must be accompanied by an invoice stating the following observation: "seedlings produced and destined exclusively for the installation of seed production fields", without prejudice to other legal requirements.

Art. 7º. Seedlings for domestic use are constitute by seedlings for exclusive use for domestic cultivation.

§ 1. On the packaging of the seedlings referred to in the caput, the following words must be included: "Seedling exclusively for domestic cultivation".

§ 2. For the purposes of enrollment in RENASEM, the trader who sells seedlings exclusively for domestic use may submit a copy of the CNPJ containing the code of the National Classification of Economic Activities - CNAE secondary for trade in agricultural inputs or seedlings, in substitution of requirement for a copy of the articles of association or equivalent document registered with the articles of association, when a business entity, including the seedling trader activity.

Art. 8º. In the commercialization of vegetable, spice, medicinal and aromatic seeds produced in the national territory, the seed producer or repackager may choose to have the Seed Conformity Term for Vegetable, Spice, Medicinal and Aromatic Species, legibly included in the seed packaging, with the following sayings: "I certify that this batch of seeds meets the current national standards, Technical Responsible RENASEM n# [number of the Technical Responsible on RENASEM].

§ 1. In the option for the Conformity Term for Seeds of Vegetable, Spice, Medicinal and Aromatic Species in the packaging, the Annex IV, duly completed and signed by the Technical Responsible, must be available to the inspection in the possession of the producer or the repackaging of seeds, as appropriate.

§ 2. In the option for the Conformity Term for Seeds of Vegetable, Spice, Medicinal and Aromatic Species in the packaging, the producer or the repackaging of seeds must provide the copy of Annex IV, duly completed and signed by the Technical Responsible, to the purchaser of the seeds, when solicited.

Art. 9º. The seed batches of vegetable, spice, medicinal and aromatic species, when stored in packages not intended for the final consumer, may be sampled and analyzed for the purposes of quality control or revalidation of the germination or viability test, with issue of the Seed Analysis Bulletin - BAS, without limiting the number of BAS issued, as long as the germination test result meets the standards established for the species.

Single paragraph. For each BAS issued, the Additive Term must be issued, according to the model in Annex V, duly completed and signed by the Technical Responsible, which should be available to the inspection in the possession of the producer or the repackaging of seeds, as the case may be.

Art. 10. The producer or the repackager may carry out a treatment or change the batches packaging size or parts of the batches of vegetable, spice, medicinal and aromatic seeds species for which the Seed Conformity Term for Seeds of Vegetable, Spice, Medicinal and Aromatic has already been issued, by issuing an Additive Term for Seed Treatment and / or Change of Packing Size of Vegetable, Spice, Medicinal and Aromatic, according to the model in Annex VI, signed by the Technical Responsible of the producer or the repackager, as the case may be.

Art. 11. To the Conformity Term for Seeds of Vegetable, Spice, Medicinal and Aromatic Species, in cases of treatment or alteration of size of the packaging referred to in Art. 10, an additive term will be added as model in Annex VI, containing the treatment data as well as the new representativeness of the lot or part of the lot, as the case may be, and should be available to the supervisory authority in the possession of the producer or the seed repackager, as appropriate.

Art. 12. Seeds of vegetable, spice, medicinal and aromatic species, imported in packaging that characterizes ordinary packaging of seeds, not intended for the final consumer, may be packed in the packaging intended for commercialization.

Single paragraph. Packing in packaging for the final consumer, referred to in the caput, does not constitute repackaging for the purposes of this Normative Instruction, dispensing with the use of the term "repacked seed" and the identification as repacking.

Art. 13. Seeds for domestic use are seeds for exclusive use for domestic cultivation and packed in airtight packages containing a maximum of 10 grams, for the purposes of this Normative Instruction.

§ 1 In the packaging of the seeds referred to in the caput, the following words must be included: "Exclusive seed for domestic cultivation".

§ 2 For the purposes of enrollment on RENASEM, the trader who sells seeds exclusively for domestic use may submit a copy of the CNPJ containing the secondary CNAE for trade in agricultural inputs or seeds, replacing the requirement to copy the articles of assignment or document equivalent registered with the commercial board, when legal entity, with the activity of seed trader.

Art. 14. The certification process for seeds and seedlings of vegetable, spice, medicinal and aromatic species will comply with the provisions of the general rules for the production, commercialization and use of seeds and seedlings.

Art. 15. The provisions and annexes of Normative Instruction n# 9, from June 2nd, 2005, of Normative Instruction n# 24, from December 16th, 2005, and Normative Instruction n# 25, from June 27th, 2017, are complementarily applied to this Normative Instruction.

Aplicam-se complementarmente a esta Instrução Normativa os dispositivos e anexos da Instrução Normativa nº 9, de 2 de junho de 2005, da Instrução Normativa nº 24, de 16 de dezembro de 2005, e da Instrução Normativa nº 25, de 27 de junho de 2017.

Art. 16. As from the entry into force of this Normative Instruction, is revoked MAPA Ordinance n# 457, of December 18th 1986, as from March 31st, 2020.

This Normative Instruction shall enter into force in 90 days from the date of its publication.

Art. 17. This Normative Instruction comes into force on the date of its publication.

MARCOS MONTES CORDEIRO

<http://pesquisa.in.gov.br/imprensa/jsp/visualiza/index.jsp?data=19/09/2019&jornal=515&pagina=4>