

## ENVIRONMENTAL

## NEW REGULATORY DECREE OF THE NATIONAL SEED AND SEEDLING SYSTEM IS PLACED FOR PUBLIC CONSULTATION

30 MARCH 2020

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MAPA Ordinance No. 42/20, published in February, submits for public consultation a new proposal for a decree regulating the National Seed and Seedling System (SNSM), established by Law No. 10,711/03. The public consultation is scheduled to take place by April 4. The draft of the new decree seeks to update the regulation of legislation on seeds to new technologies and market realities, following the trend of the current administration to seek simplification of procedures and speed up regulatory approvals, as we discussed in an [article](#) on this portal. There was a significant increase in the number of defined terms, from 22 to 56. Many of the changes in the proposal for a new regulation are related to these new terms, which gives the text more technical precision and updates it according to the new technologies applied to seeds.

The topics that presented the most changes were those related to the National Seed and Seedling Register (Renasem). Firstly, import and export activities no longer requires registration with Renasem. In addition, the intent is to extend the possibility of exemption from registration to people who multiply seeds or seedlings only for distribution, exchange, and marketing and sale, also covering those who do so to meet government programs. Also included is exemption from registration with the Renasem for those who market and sell or import seeds or seedlings exclusively for domestic use or for their own use on their property or on property they own. An amendment is also planned concerning the registration of persons with various units: the option would be introduced to register in Renasem only the head office of the legal entity or the main unit of the individual.

The validity of Renasem registrations will increase from three to five years, and may be renewed until the expiration date. It may be inferred from the proposed text that, once a request for renewal has been filed, it would be done automatically, but no express provision to that effect has been included in the proposal.

Other changes to the proposal concern audits. In the prior decree, only actions resulting from delegation of authority would be subject to regular audits. The draft of the new regulation provides for audit not only of processes, procedures, and activities of the entities receiving such delegation, but also of the persons registered or accredited with Renasem. It is noted that the new decree intends to give more relevance to regular audits, with emphasis on the process of reducing bureaucracy, in order to optimize the state inspection process. In any case, there are still specific situations where audits could be applied. Along the same lines, the proposed new wording expresses the flip side, that the certifying bodies take responsibility for issuing seed and seedling certificates.

In relation to the fines imposed in a proportional manner, a minimum percentage was established, and it is no longer possible to impose a fine of less than 5% of the commercial value of the product. Nevertheless, the supervisory body's margin of discretion in imposing fines was maintained. It is anticipated that if the product subject to the fine has not been sold, the applicable fine may be reduced by 20%. Also, in article 162 of the suggested draft, the minimum and maximum amounts of fines fixed for certain infractions were doubled with respect to the prior ones for the following ranges: (i) from R\$ 1,000 to R\$ 4,000, for minor infractions; (ii) from R\$ 4,001 to R\$ 12,000, for serious infractions; and (iii) from R\$ 12,001 to R\$ 36,000, for very serious infractions.

The draft decree seeks, mainly, to update concepts and technologies, in addition to simplifying the regulations, transferring to the administrative rules (normative instructions, ordinances, resolutions, etc.) the possibility of detailing procedural issues and skipping steps considered bureaucratic even in administrative procedures. On the other side of the coin, the time limits for submitting a defense and lodging an appeal, as well as for the competent authorities to conduct a review, have been extended.

After public consultation, the General Bureau of Seeds and Seedlings will evaluate the suggestions received and make the pertinent adjustments, taking into account compliance with other legal dictates and the relevance and positive impact of the suggestion to the implementation of the National Seeds and Seedlings System.