



Ministerio de Agroindustria  
Presidencia de la Nación

INSTITUTO NACIONAL DE SEMILLAS

SYMPOSIUM ON POSSIBLE INTERRELATIONS BETWEEN THE  
INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR  
FOOD AND  
AGRICULTURE (ITPGRFA) AND THE INTERNATIONAL  
CONVENTION FOR THE  
PROTECTION OF NEW VARIETIES OF PLANTS (UPOV  
CONVENTION)

Experiences of the Contracting Parties : Argentina

**1 – Farm saved seed**

**2 – Granting PBR for varieties of local species**

**3 – Certifying seeds of local species**

## 1 – Farm saved seed

Law on seeds and phytogenetic creations N°20247

**Art. 27.** — It does not injure the property right of a cultivar who deliver for whatever reason seed of it under the authorization of the title holder or who reserves and sow seed for his own use or sell as primary material or food the product obtained from the cultivation of that phytogenetic creation.

# 1 – Farm saved seed

## Resolution N° 35/96

Article 1. (The Directorate of the National Seeds Institute decrees that:) The conditions determining eligibility for the “farmer’s privilege” provided for in Article 27 of Law 20.247 are the following:

- (a) To be a farmer.
- (b) To have acquired the original seed legally.
- (c) To have obtained the present seed from that legally acquired;
- (d) To set aside from the harvested grain the amount of seed that will be used for subsequent sowing, distinguishing it by variety and quantity, prior to processing.

There shall be no farmer’s privilege where the farmer has acquired seed for sowing otherwise than by setting it aside himself, whether free of charge or for consideration (purchase, exchange, donation, etc.).

# 1 – Farm saved seed

## Resolution N° 35/96 (cont.)

(e) The purpose of the seed set aside to be sowing by the farmer on his own farm and for his own use.

Purposes other than sowing by the farmer shall not be covered by Article 27 of Law No. 20.247.

The purposes of sale, permutation or exchange by the farmer himself or through an intermediary are expressly excluded.

The exception shall benefit the farmer alone and not third parties.

(f) The seed set aside for the farmer's own use shall be kept separate from the remainder of the grain, its identity and individuality being preserved from the time at which it is taken from the land by the farmer, and that identity shall be maintained throughout the process of processing, packaging and storage up to the time at which it is sown on the farmer's land.

A person interested in availing himself of the farmer's privilege shall prove compliance with the conditions set forth in this Article.

## 2 – Granting PBR for varieties of local species

40 varieties of native species

*Bromus catharticus* Vahl.

*Macroptilium erythroloma*(Mart. et Benth)

*Macroptilium lathyroides* (L.)Urban

*Paspalum dilatatum* Poiret.

*Paspalum notatum*

*Trichloris crinita*

*Mecardonia procumbens* (Mill.) Small

*Nierembergia linariaefolia*

*Tecoma* sp

*Tabebuia heptaphylla*

*Ilex dumosa* reisseck var. *dumosa*

*Ilex paraguaiensis*

*Axonopus fissifolius*

## 2 – Granting PBR for varieties of local species

National Constitution

*Article 124 ..... The domain of the natural resources existing in their territories belongs to the Provinces.*

*INASE: when an application for the protection for a variety of a native species is filed the applicant is required to provide the authorization for the access to the genetic resource from the province from it has been collected*



## 3 – Certifying seeds of local species

Native species of trees

Local farmers can produce certified seed of identified trees

Is aimed to promote a sustainable use of the resource

Always respecting national legislation for the access