

Frequently Asked Questions on Procedures for Germplasm Exchange

1. What is the procedure to import germplasm for research purposes?

Any public/ private institution involved in research and development of plant genetic resources can import germplasm for research purposes through ICAR-NBPGR, New Delhi. However private companies/ institutions are required to submit certification from Department of Scientific and Industrial Research (DSIR) which certifies their Research & Development status.

The import of seed/ planting material for research purposes is governed by Plant Quarantine (Regulation of Import Into India) Order, 2003 referred to as PQ Order, and as per the PQ Order, 2003, Import permit from the recipient country and Phytosanitary certificate from the provider country are mandatory documents.

2. Who is authorized to issue Import permit for research purposes?

Director, ICAR- NBPGR is authorized to issue Import Permit as per PQ Order. 2003. Apply in prescribed application form (PQ 08) and submit to Director, ICAR-NBPGR. A minimum amount of fee and service charges per import permit are to be paid which are revised time to time. Published and updated on www.nbpgr.ernet.in.

3. What is the procedure for import of Transgenics and genetically modified crops?

For importing Transgenics and genetically modified crops, permission from Review Committee on Genetic Manipulation is needed. Once RCGM gives permission, application form PQ08 needs to be submitted to Director, ICAR-NBPGR along with approval of RCGM.

4. Is the facility available online for applying for Import Permit?

Yes, you can apply online for issuance of IP. The facility is available at ICAR-NBPGR website www.nbpgr.ernet.in. Register at the import permit link on NBPGR website. User name and password will be created and a unique request ID will be assigned. One can track the status of application through this provision.

5. How many crops and quantity can be imported per Import Permit?

Import Permits are crop specific. The quantity depends on size of the seed e.g. large seeded crop species (500g), Medium Small seeded crop species (200g), etc. Details are made available at www.nbpgr.ernet.in.

6. What is the validity of the Import Permit?

Import Permit (IP) is valid for six months to one year. Validity may be extended for further period of six months with proper justification.

7. Can I use Import Permit for part shipments during the valid period of Import Permit?

Yes, multiple part shipments are allowed provided the exporter, importer and country of origin are the same for the entire consignment.

8. Can we import the seed/ planting material in bulk quantity for commercial purpose through ICAR-NBPGR?

No. For commercial import in bulk quantity, applicant is directed to correspond with Directorate of Plant Protection, Quarantine and Storage (DPPQS), NH IV, Faridabad.

9. Can the imported seed be received by the indenter personally in his/her name?

No. Always ensure that the consignment is addressed to the Director, ICAR-NBPGR, New Delhi otherwise the consignment may be retained at customs. This is necessary as the seed/planting materials are released after detailed quarantine inspection at ICAR-NBPGR.

10. What if the Courier service delivers consignment directly to consignee?

Submit the unopened package and documents to Director, ICAR-NBPGR. After quarantine inspection/ examination the seeds/ planting material will be handed over to consignee.

11. What is Exotic Collection (EC) number?

All imported accessions are assigned a unique identity referred as Exotic Collection number.

12. What regulates the export of the Plant Genetic Resources for research purposes?

Biological Diversity Act, 2002 regulates the access to biological resources occurring in India. The Act was enacted in compliance to Convention on Biological Diversity (CBD).

13. What is Convention on Biological Diversity (CBD)?

The Convention on Biological Diversity (CBD) is a legally binding multilateral environmental agreement that has 196 contracting Parties (Countries) as its members with three objectives – conservation of biological diversity, sustainable use of the diversity and ensuring fair and equitable sharing of benefits of such use. It has entered into force on 29th December 1993.

14. What does the Biological Diversity Act, 2002 primarily address?

The Biological Diversity Act, 2002 primarily addresses issues of conservation, sustainable use of biological resources in the country, issue related to access to genetic resources and associated knowledge and fair and equitable sharing of benefits arising from utilization of biological resources to the country and its people.

15. Does Biodiversity Act, 2002 affect research by Indians in biological resources?

No. There is no requirement under the legislation for seeking permission for carrying out research, if it is carried out in India by Indians, as well as under collaborative research projects that have been drawn within the overall policy guidelines formulated by the Central Government vide notification S.O.1911 (E) of Government of India. The only situations that would require permission of the NBA are: (i) when the results of any research which has made use of the country's biodiversity is sought to be commercialized, (ii) when the results of research are shared with a foreigner or foreign institution, and (iii) when a foreign institution/individual and (iv) when any intellectual property protection is sought on Indian biological resources.

16. Who is required to take permission to access plant genetic resources occurring in India* for research purposes

Any non-Indian entity or institution (defined in Section 3 (2) of the Biological Diversity Act, 2002) wants to access to the country's biodiversity for undertaking research is required to take approval.

**Indian germplasm or germplasm occurring in India is any plant genetic material that originated in Indian Territory or has been introduced and/or adapted to Indian Agro-ecologies where they have developed distinctive properties.*

17. What does Section 3 (2) of BDA, 2002 refer to?

Section 3 (2) defines the persons who are required to take prior approval of the NBA for accessing any germplasm occurring in India: These are

- (a) a person who is not a citizen of India;
- (b) a citizen of India, who is a non-resident as defined in clause (30) of section 2 of the Income-tax Act, 1961; (43 of 1961)
- (c) a body corporate, association or organization
 - (i) not incorporated or registered in India,
 - (ii) or incorporated or registered in India under any law for the time being in force which has any non-Indian participation in its share capital or management.

18. Do Indian researchers require approval for obtaining biological resource for carrying out any research outside India?

Yes for carrying out non-commercial research outside India or sending resources outside India, as per clause 13 of ABS regulation, Indian citizens or institutions are required to take prior approval of National Biodiversity Authority. There is need to apply in Form B and undertaking.

19. Do Indian researchers require approval for obtaining biological resource for research purposes in India?

The Indian researchers neither require prior approval nor need to give prior intimation to SBB for obtaining biological resource for conducting research in India. In case the results are used for commercial purposes, prior intimation to the State Biodiversity Board is required under Section 7 of the Biological Diversity Act 2002.

20. Section 4 makes reference to 'any biological resources occurring in India', would that also include any breeding material from a (multinational) breeding company that originates from (a) Indian commercial varieties or from (b) international varieties/germplasm?

It would include breeding materials which are Indian whether commercial or local, and in case of international varieties, which contain any Indian germplasm.

21. What is the procedure to export biological resources under collaborative research projects?

Section 5 of the Biological Diversity Act, 2002 provides for exemption to collaborative research projects provided these conform to the policy guidelines issued by the Central Government from time to time. Please refer to Notification S.O.1911 (E) issued by Government of India on 8th November 2006 for this purpose. The indenter is required to submit the documents to ICAR-NBPGR to facilitate the approval of Competent Authority

Collaborative research projects that have commercial utilization as a component however, need to seek prior permission of NBA since the exemption covers only research collaboration and not commercialization.

22. What are the specific guidelines available for handling transgenic material?

Yes. The transgenic material shall be handled, packaged and transported as specified in “r-DNA safety guidelines-1990” of the Department of Biotechnology, Government of India (<http://dbtindia.nic.in/uniquepage.asp>).

23. What is the procedure for requesting germplasm from ICAR-NBPGR for research purposes any Indian Institutions or private seed companies/ institutes/ organizations?

All the requests for the supply of PGR conserved/maintained by NBPGR/NAGS should be sent to the Director, ICAR- NBPGR, Pusa Campus, New Delhi, in the prescribed requisition proforma (GEX 01) and duly filled in and signed Material Transfer Agreement (MTA). Both MTA and GEX 01 are available at ICAR-NBPGR website www.nbpgr.ernet.in. Private seed companies/ institutions which do not fall under Section 3 (2) of the Biological Diversity Act, 2002 are required to submit an undertaking for the same on legal stamp paper and DSIR Certification (please refer to Ques 1)

24. Do ICAR-NBPGR charge any fee for supply of germplasm maintained at National Genebank or National Active Germplasm Sites

Seeds/ planting material are supplied in small quantities and a fee is not charged for the supply. However, it is desired that feedback information on the performance or utilization of material along with sufficient quantity of multiplied seeds may be submitted to Director, ICAR-NBPGR, New Delhi, so that this deposited seeds can be utilised by other researchers in future.