

Order for Enforcement of the Plant Variety Protection and Seed Act

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○Order for Enforcement of the Plant Variety Protection and Seed Act

[Cabinet Order No. 368 of November 20, 1998]

[Signed by the Prime Minister • Minister of Finance • Minister of Agriculture,
Forestry and Fisheries]

[Cabinet Order No. 391 of December 22, 1978 (Order for Enforcement of the Plant Variety Protection and Seed Act), fully revised]

The Order for Enforcement of the Plant Variety Protection and Seed Act is hereby promulgated.

Order for Enforcement of the Plant Variety Protection and Seed Act

The Cabinet shall establish this Cabinet Order for a full revision of the Order for Enforcement of the Plant Variety Protection and Seed Act (Cabinet Order No. 391 of 1978), pursuant to the provisions in the following Articles: Article 2 paragraphs (1) and (5) (currently paragraph (6), as revised by Act No. 59 of June, 2005), Article 21 paragraph (2) and Article 55 (currently Article 66 paragraph (1), as revised by Act No. 160 of December 1999 and Act No. 49 of May 2007) of the Plant Variety Protection and Seed Act (Act No. 83 of 1998).

(Agricultural, forestry, or aquatic plants)

Article 1 The plants prescribed by the Cabinet Order of Article 2 paragraph (1) of the Plant Variety Protection and Seed Act (hereinafter, the “Act”) shall be such plants that belong to the varieties set forth hereunder (limited only to such plants cultivated for fruiting body production).

- 1 Aragekikurage (*Auricularia polytricha*)
- 2 Usuhiratake (*Pleurotus pulmonarius*)
- 3 Enokitake (*Flammulina velutipes*)
- 4 Eringi (*Pleurotus eryngii*)
- 5 Oohiratake (*Pleurotus cystidiosus miller*)
- 6 Kikurage (*Auricularia auricula-judae*)
- 7 Kinugasatake (*Dictyophora indusiata*)
- 8 Kuritake (*Hypholoma sublateritium*)
- 9 Kuroawabitate (*Pleurotus cystidiosus*)
- 10 Komurasakishimeji (*Lepista sordida*)
- 10 Shiitake (*Lentinus edodes*)
- 12 Shirotamogitake (*Hypsizygus ulmarius*)
- 13 Tamachoreitake (*Polyporus*)
- 14 Tamogitake (*Pleurotus cornucopiae*)
- 15 Tsukuritake (*Agaricus bisporu*)

- 16 Tonbimaitake (*Meripilus giganteus*)
- 17 Nameko (*Pholiota microspore*)
- 18 Nioushimeji (*Macrocybe gigantea*)
- 19 Numerisugitake (*Pholiota adiposa*)
- 20 Hatakeshimeji (*Lyophyllum decastes*)
- 21 Hanabiratake (*Sparassis crispa*)
- 22 Himematsutake (*Agaricus blazei*)
- 23 Hiratake (*Pleurotus ostreatus*)
- 24 Bunashimeji (*Hypsizygus marmoreus*)
- 25 Bunaharitake (*Mycoleptodonoides aitchisonii*)
- 26 Honshimeji (*Lyophyllum shimeji*)
- 27 Maitake (*Grifola frondosa*)
- 28 Mannentake (*Ganoderma lucidum*)
- 29 Mukitake (*Panellus serotinus*)
- 30 Murasakishimeji (*Lepista nuda*)
- 31 Yanagimatsutake (*Agrocybe cylindracea* (Fr.) Maire)
- 32 Yamabushitake (*Hericium erinaceum*)

(Processed products)

Article 2 Processed products specified in the Cabinet Order of Article 2 paragraph (4) of the Act shall be listed according to the classification of agricultural, forestry, and aquatic plant varieties set forth in the items below:

- (i) adzuki bean, boiled beans (including sugar added beans), bean jam
- (ii) rush, rush mat
- (iii) rice plant, rice
- (iv) tea leaves or stalks processed into tea

(Designated Seeds)

Article 3 The Seeds specified in the Cabinet Order of Article 2 paragraph (6) of the Act shall refer to its leaves and leaf buds.

(Incorporated Administrative Agencies dealing with activities relating to breeding of plant varieties)

Article 4 Incorporated Administrative Agencies specified in the Cabinet Order of Article 6 paragraph 2 of the Act are, the National Research and Development Agency National Agriculture and Food Research Organization (NARO); the National Research and Development Agency Japan International Research Center for Agricultural Science (JIRCAS); the National Research and Development Agency Forestry and Forest Products Research Institute (FFPRI); and the National Research and Development Agency Fisheries Research and Education Agency (FRA).

(Farmers)

Article 5 Such farmers specified in the Cabinet Order of Article 21 paragraph (2) of the Act shall be either (i) individuals that practice agriculture in the course of business, or (ii) qualified corporate bodies that own agricultural land, provided in Article 2 paragraph (3) of the Agricultural Land Act (Act No. 229 of 1952).

(Matters to be dealt by Prefectures)

Article 6 With regard to some of the authority of the Minister of Agriculture, Forestry, and Fisheries provided in Article 59 paragraph (4), Article 60, and Article 61 paragraphs (2) and (3) of the Act, such matters concerning seeds for rice, barley, rye, wheat, and soy beans shall be attended to by the Prefectural Governors (precluding such matters relating to Seed Dealers specified in Article 2 paragraph (6) of the Act, that have offices within two or more prefectures and sell such seeds (hereinafter, Large Region Seed Dealers)).

2 With regard to some of the authority of the Minister of Agriculture, Forestry, and Fisheries provided in Articles 62 and 65 of the Act, such matters concerning seeds for rice, barley, rye, wheat, and soy beans shall be attended to by the Prefectural Governors. However, in the event where it is acknowledged to be specifically necessary for efficient seed distribution, the Minister of Agriculture, Forestry, and Fisheries is not precluded from exercising her/his own authority (such matters shall only apply to authorities relating to Large Region Seed Dealers).

3 In such events that fall under paragraph (1) and the main text of the preceding clause, provisions related to the Minister of Agriculture, Forestry, and Fisheries that deal with such part of the authorities in such provisions of the Act shall also apply to Prefectural Governors as the provisions related to Prefectural Governors.

4 In the cases where the Prefecture has collected certain Designated Seeds from a Large Region Seed Dealer under provision in Article 62 paragraph (2) of the Act, or where the Prefecture has ordered a report or submission of documents from a Large Region Seed Dealer under provision in Article 65 of the Act, the Prefectural Governor shall, based on the provision in the above paragraph (2) main text, report such results of the events to the Minister of Agriculture, Forestry, and Fisheries, pursuant to provision in the Ordinance of the Ministry of Agriculture, Forestry, and Fisheries.

Supplementary Provision

(Effective Date)

Article 1 This Cabinet Order shall come into effect as of the date of enforcement of the Act (December 24, 1998).

(Partial revision of the Cabinet Order for Agricultural Materials Council)

Article 2 Cabinet Order for Agricultural Materials Council (Cabinet Order No. 175 of 1950) shall be partially revised as follows:

[omitted]

(Partial revision of Order for Enforcement of the Income Tax Act)

Article 3 Order for Enforcement of the Income Tax Act (Cabinet Order No. 96 of 1965) shall be partially revised as follows:

[omitted]

(Partial revision of the Order for Enforcement of the Corporation Tax Act)

Article 4 Order for Enforcement of the Corporation Tax Act (Cabinet Order No. 97 of 1965) shall be partially revised as follows:

[omitted]

(Partial revision of the Order for Enforcement of the Okinawa Development Finance Corporation Act)

Article 5 Order for Enforcement of the Okinawa Development Finance Corporation Act (Cabinet Order No. 186 of 1972) shall be partially revised as follows:

[omitted]

(Partial revision of the Order for Enforcement of the Consumption Tax Act)

Article 6 Order for Enforcement of the Consumption Tax Act (Cabinet Order No. 360 of 1988) shall be partially revised as follows:

[omitted]

Supplementary Provision [Cabinet Order No. 416 of December 22, 1999 (excerpt)]

(Effective Date)

Article 1 This Cabinet Order shall be in effect as of April 1, 2000.

(Transition measures for partial revision of the Order for Enforcement of the Plant Variety Protection and Seed Act)

Article 21 In the cases where the Prefectural Governor, who had been delegated authority before enforcement of this Cabinet Order under provision in Article 4 paragraph (2) of the Order for Enforcement of the Plant Variety Protection and Seed Act prior to its revision provided by Article 45, has collected certain Designated Seeds under provision in Article 53 paragraph (1) of the Plant Variety Protection and Seed Act (Act No. 83 of 1998) before its revision pursuant to provision in Article 305 of the Arrangement Act, or has ordered report or submission of documents under provision in Article 54 of the said Act, such cases shall not apply the provision in Article 4 paragraph (4) of the Order for Enforcement of the Plant Variety Protection and Seed Act after its revision pursuant to provision in Article 45.

(Transition measures relating to penal provisions)

Article 22 With regard to application of penal provisions for actions taken before the enforcement of this Cabinet Order, provisions then in force shall remain applicable.

Supplementary Provision [Cabinet Order No. 333 of June 7, 2000 (excerpt)]

(Effective Date)

1. This Cabinet Order (precluding Article 1) shall come into effect as of April 1, 2001.

Supplementary Provision [Cabinet Order No. 390 of August 29, 2003]

This Cabinet Order shall come into effect as of October 1, 2003.

Supplementary Provision [Cabinet Order No. 267 of September 8, 2004]

This Cabinet Order shall come into effect as of the date of promulgation.

Supplementary Provisions [Cabinet Order No. 348 of November 18, 2005]

This Cabinet Order shall come into effect as of the date of enforcement (December 1, 2005) of the Act on partial revision of the Plant Variety Protection and Seed Act [Act No. 59 of June 2005].

Supplementary Provision [Cabinet Order No. 165 of March 31, 2006 (excerpt)]

(Effective Date)

Article 1 This Cabinet Order shall come into effect as of the date of enforcement (April 1, 2006) of the Arrangement Act [Act on arrangements of laws on Agriculture, Forestry, and Fisheries to promote reforms concerning incorporated administrative agencies: Act No. 26 of March 2006] [The rest omitted]

Supplementary Provision [Cabinet Order No. 111 of March 30, 2007]

This Cabinet Order shall come into effect as of April 1, 2007. [the rest omitted]

Supplementary Provision [Cabinet Order No. 308 of October 3, 2007]

This Cabinet Order shall come into effect as of December 1, 2007.

Supplementary Provision [Cabinet Order No. 285 of December 11, 2009 (excerpt)]
(Effective Date)

Article 1 This Cabinet Order shall come into effect as of the date of enforcement (December 15, 2009) of the Act on partial revision of the Agricultural Land Act and other acts [Act No. 57 of June 2009] (hereinafter, the Revised Act) [The rest omitted]

Supplementary Provision [Cabinet Order No. 74 of March 18, 2015]

This Cabinet Order shall come into effect as of April 1, 2015. [the rest omitted]

Supplementary Provision [Cabinet Order No. 27 of January 29, 2016 (excerpt)]
(Effective Date)

Article 1 This Cabinet Order shall come into effect as of April 1, 2016.

(Transition measures relating to penal provisions)

Article 11 With regard to application of penal provisions for actions taken before the enforcement of this Cabinet Order, provisions then in force shall remain applicable.

Supplementary Provision [Cabinet Order No. 86 of March 30, 2016 (excerpt)]
(Effective Date)

Article 1 This Cabinet Order shall come into effect as of April 1, 2016. [the rest omitted]