

Enforcement Order of the Plant Variety Protection and Seed Act
(Cabinet Order No. 368 of November 20, 1998)

Final Revision: Cabinet Order No. 285 of December 11, 2009

The Cabinet establishes this Cabinet Order to revise the entirety of the Enforcement Order of the Plant Variety Protection and Seed Act (Cabinet Order No. 391 of 1978) on the basis of Article 2, paragraph 1 and paragraph 5, Article 21, paragraph 2, and Article 55 of the Plant Variety Protection and Seed Act (Act No. 83 of 1998).

(Agricultural, Forestry, or Aquatic Plants)

Article 1. The plants specified by the Cabinet Order under Article 2, paragraph 1 of the Plant Variety Protection and Seed Act (Hereinafter, referred to as the Act) shall be the plants belonging to the following species (limited to plants cultivated for production of fruit bodies).

- (1) *Auricularia polytricha* (Mont.) Sacc.
- (2) *Pleurotus pulmonarius* (Fr.) Quel.
- (3) *Flammulina velutipes* (Fr.) Sing.
- (4) *Pleurotus eryngii* (Dcex Fr.) Quel.
- (5) *Pleurotus cystidiosus* O. K. Mill.
- (6) *Auricularia auricula—judae* (Fr.) Quel.
- (7) *Dictyophora indusiata* (Ventenat: Persoon) Fischer
- (8) *Naematoloma sublateritium* (Fr.) Karst.
- (9) *Pleurotus cystidiosus* subsp. *abalonus*
- (10) *Lepista sordida* (Schumacher: Fries) Singer
- (11) *Lentinus edodes* (Berk.) Sing.
- (12) *Hypsizygus ulmarium* (Bulliard: Fries) Redhed
- (13) *Polyporus tuberaster* (Jacquin ex Persoon) Fries
- (14) *Pleurotus cornucopiae* (Pers.) Rolland
- (15) *Agaricus bisporus* (Lange.) Sing
- (16) *Meripilus giganteus* (Persoon: Fries) Karten
- (17) *Pholiota nameko* (T. Ito) S.
- (18) *Macrocybe gigantea* (Massee) Pegler & Lodge
[*Tricholoma giganteum* Massee]
- (19) *Pholiota adiposa* (Fr.) kummer
- (20) *Lyophyllum decastes* (Fr.) Sing.
- (21) *Sparassis crispa* Wulf.: Fr.
- (22) *Agaricus blazei* Murrill
- (23) *Pleurotus ostreatus* (Fr.) Quel.
- (24) *Hypsizygus marmoreus* (Peck) Bigelow
- (25) *Mycoleptodonoides aitchisonii* (Berkeley) Maas Geesteranus
- (26) *Lyophyllum shimeji* (Kawamura) Hongo
- (27) *Grifola frondosa* (Fr.) S. F. Gray
- (28) *Ganoderma lucidum*
- (29) *Panellus serotinus* (Fr.) kuhn
- (30) *Lepista nuda* (Bulliard: Fries) Cooke
- (31) *Agrocybe cylindracea* (Fr.) Gill.
- (32) *Hericiium erinaceum* (Bull Fr.) Pers.

(Processed Goods)

Article 2. The processed goods specified by the Cabinet Order under Article 2, paragraph 4 of the Act shall be those specified in the items below, in accordance with the classes of the species or genera of the agricultural, forestry, or aquatic plants listed in the items.

- (1) Azuki beans - beans boiled in water (including those in which sugar is added) and bean paste
- (2) Igusa - straw matting
- (3) Rice - cooked rice
- (4) Tea - tea produced from leaves or stems

(Designated Seeds)

Article 3. The designated seeds specified by the Cabinet Order under Article 2, paragraph 6 of the Act shall be leaves and buds.

(Incorporated Administrative Agencies Performing Activities relating to Breeding of Plant Varieties)

Article 4. The Incorporated Administrative Agencies specified by the Cabinet Order under Article 6, paragraph 2 of the Act shall be The National Agriculture and Food Research Organization, The National Institute of Agrobiological Sciences, The Japan International Research Center for Agricultural Sciences, The Forestry and Forest Products Research Institute, and The National Research Institute of Fisheries Engineering.

(Farmers)

Article 5. The farmer specified by the Cabinet Order under Article 21, paragraph 2 of the Act shall be an individual farmer or the agricultural production corporation under Article 2, paragraph 3 of the Agricultural Land Act (Act No. 229 of 1952).

(Delegation of Authority to Prefectural Governors)

Article 6. Among the authorities of the Minister of Agriculture, Forestry and Fisheries under Article 59, paragraph 4, Article 60, and Article 61, paragraph 2 and paragraph 3 of the Act, the authority concerning the seeds of rice, barley, rye, wheat, and soy beans (excluding those concerning seed dealers (hereinafter, referred to as regional seed dealers) providing business offices in the regions of two or more Prefectures to sell the propagating material, as specified in Article 2, paragraph 6 of the Act) shall be performed by the Prefectural governors.

2. Among the authorities of the Minister of Agriculture, Forestry and Fisheries under Article 62 and Article 65 of the Act, the authority concerning the seeds of rice, barley, rye, wheat, and soy beans shall be performed by the Prefectural governors. However, this shall not preclude the Minister of Agriculture, Forestry and Fisheries from performing the authorities (limited to those concerning regional seed dealers) by himself/herself, if it is found particularly necessary for the rational distribution of seeds.

3. In the case of paragraph 1 and the body of the preceding paragraph, the provisions concerning the Minister of Agriculture, Forestry and Fisheries in connection with the authorities under these paragraphs in the Act shall apply to the Prefectural governors as the

provision concerning the Prefectural governors.

4. In the case that the Prefectural governors collect the designated seeds from the regional seed dealers under the provision of Article 62, paragraph 1 of the Act on the basis of the provision of the body of paragraph 2, or order the regional seed dealers to submit a report or documents under the provision of Article 65 of the Act, the result shall be reported to the Minister of Agriculture, Forestry and Fisheries as specified by Ordinance of Ministry of Agriculture, Forestry and Fisheries.