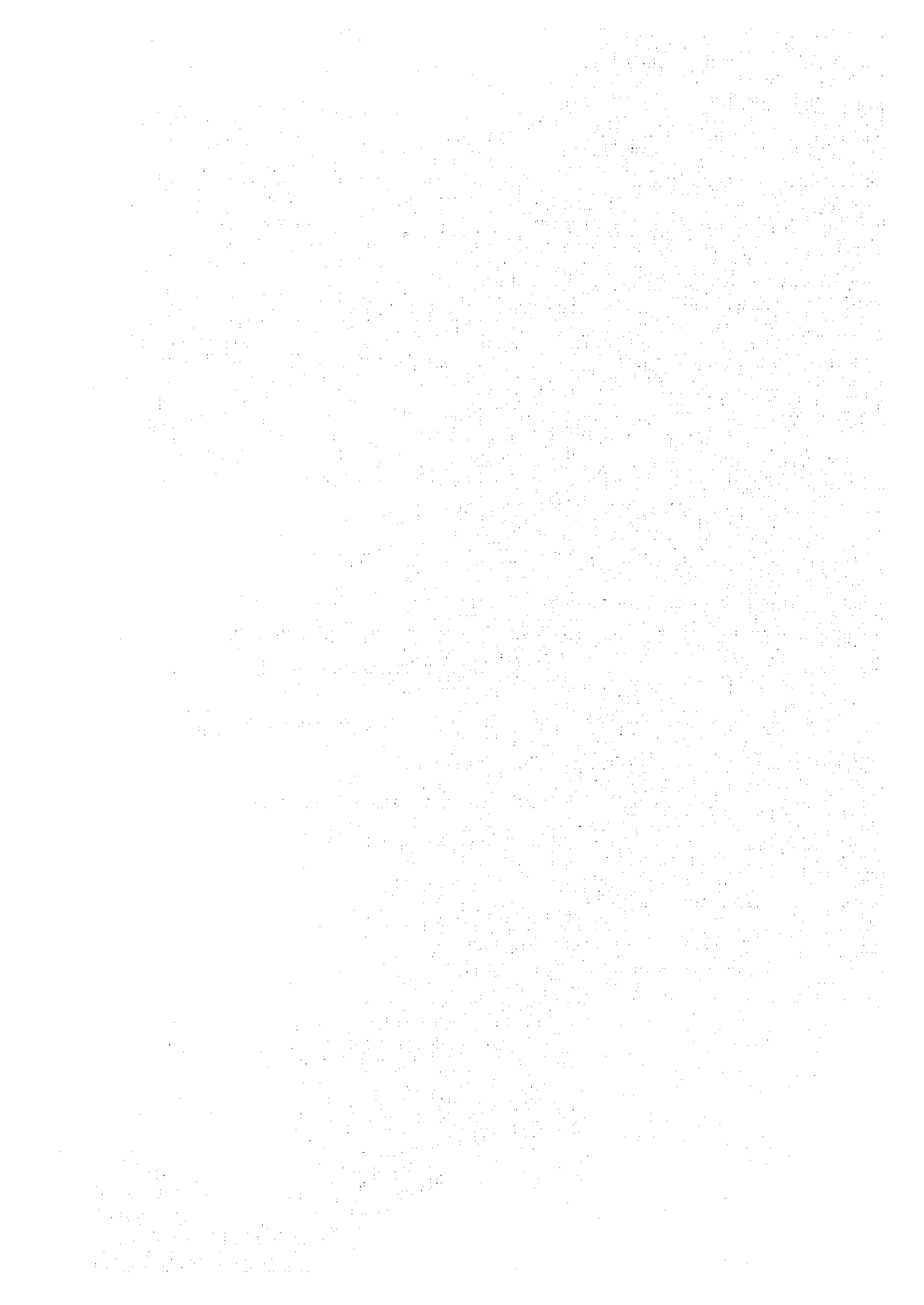


## 付 属 資 料

- 資料1. ミニッツ (英文・西文)
- 資料2. PDM (案)
- 資料3. アルゼンティン園芸開発計画活動計画 (案)
- 資料4. 国立農牧技術院組織図 (INTA 概要)
- 資料5. プロジェクト向け INTA 施設・機材リスト
- 資料6. 日系花卉園芸農家視察一覧
- 資料7. UPOV 78 条約に基づいたアルゼンティン共和国国内法
- 資料8. Act of 1991 International Convention for  
the Protection of New Varieties of Plants
- 資料9. 新しい品種保護制度の仕組み (農林水産省農産園芸局種苗課)
- 資料10. ワシントン条約概要 (CITES)
- 資料11. 新品種を種苗会社にリリースする際の契約書 (雛形)
- 資料12. INTA : DNA マーカーに関する論文 (2編)



MINUTES OF DISCUSSIONS  
BETWEEN THE JAPANESE PRELIMINARY STUDY TEAM  
AND  
THE AUTHORITIES CONCERNED OF THE GOVERNMENT OF  
THE ARGENTINE REPUBLIC  
ON  
THE JAPANESE TECHNICAL COOPERATION  
FOR THE HORTICULTURE DEVELOPMENT PROJECT  
IN THE ARGENTINE REPUBLIC

In response to the request made by the Government of the Argentine Republic for the Horticulture Development Project (hereinafter referred to as "the Project"), the Government of Japan has sent a preliminary study team (hereinafter referred to as "the Team") headed by Dr. ANDO Toshio, Professor, National University of CHIBA, from August 11th to August 21st, 1998, through the Japan International Cooperation Agency (hereinafter referred to as "JICA"). The purpose of the Team was to clarify the background of the request, to identify the problems for the implementation of the Project and to study the feasibility of the proposed technical cooperation programme.


The Team has carried out a field survey, held a series of meetings and exchanged views with the authorities concerned of the Government of the Argentine Republic.

As a result of the discussions, JICA and the authorities concerned of the Government of the Argentine Republic agreed to recommend to their respective Governments the tentative framework referred to in the document attached hereto.

Buenos Aires, August 20th, 1998



Dr. ANDO Toshio  
Leader,  
Preliminary Study Team,  
Japan International Cooperation Agency,  
Japan



Ing. Agr. Luis María FIRPO BRENTA  
Vice-President,  
National Institute for Agricultural Technology  
The Argentine Republic

## THE ATTACHED DOCUMENT

### I. SUMMARY

The Team investigated the background and contents of the proposed Project and the current situations and issues of the floriculture in this country, through a series of discussions with authorities concerned in the Argentine side and field survey during the period from August 11th to August 21st, 1998.

The technical issues so far have been identified on evaluation and improvement of potential ornamental species and breeding for new cultivars concerning the floriculture in the Argentine Republic. Eventually the Team confirmed that it is meaningful to start this type of project, in the light that the Project's outcome will enhance the research activities on floriculture and flower breeding technology and contribute to increase incomes of floricultural farmers through improvement of floricultural products quality in the Argentine Republic.

Taking into account the findings of this survey, the following tentative framework of the Project which has been modified on the basis of the proposed project has been drawn up. This framework however may be subject to change through the coming discussions or survey.

### II. TENTATIVE PROJECT FRAMEWORK

#### 1. NAME OF THE PROJECT

The Horticulture Development Project in the Argentine Republic

#### 2. ARGENTINE ORGANIZATION FOR THE PROJECT

##### (1) Ministry responsible to the Project

Secretariat of Agriculture, Livestock, Fisheries and Food of  
Ministry of Economy and Public Works

##### (2) Organization for implementing the Project

National Institute for Agricultural Technology  
(hereinafter referred to as "INTA")



### 3. Partner organization of the Project

Technological Center on Floriculture, Fruits Culture and Horticulture  
(hereinafter referred to as "CETEFFHO")

### 4. SITE OF THE PROJECT

(1) The Biological Resources Institute, Research Center for Natural Resources, INTA located in Hurlingham will be the site.

(2) CETEFFHO will act as the partner organization.

### 5. TERM OF COOPERATION

Five (5) years

### 6. MASTER PLAN

#### (1) Objectives of the Project

##### a. Overall Goal

The Project is to be set with the overall goal to augment incomes of floricultural farmers through improvement of floricultural products quality in the Argentine Republic.

##### b. Project Purpose

The purpose of the Project is to enhance the research activities on floriculture and flower breeding technology through growing useful cultivars by using Argentine origin.

#### (2) Outputs and Activities of the Project

##### a. Outputs

(a) Argentine Researchers trained in the field of new breeding systems and preservation methods, using native potential ornamental plants of Argentina and commercial varieties, taking advantage of the wealth of plant genetic resources.

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(b)The appropriate flower breeding technology fixed on the basis of plant breeding theory and floriculture under Argentine climates.

(c)Establishment of useful and practical technology for flower breeding.

b. Activities

(a)Research on exploration, collection, evaluation and preservation for breeding materials of ornamental plants from Argentine origin.

⇒Transferring to Argentine researchers the technology for introduction of genetic new traits, evaluation of involved traits, preservation methods and so on, being objects of principal ornamental plants from Argentine origin.

(b)Research on the applied breeding technology for ornamental plants in Argentina.

⇒Researching the appropriate breeding technology and theory including crossing methods, seed production systems, seed germination physiology, analysis of growth and flowering habits, and introduction of methods for special traits.

- Improvement of flowering habits in ornamental plants
- Selection to shorten the juvenile stage in ornamental flowering trees.
- Breeding for salt tolerance, especially high sodium concentration.
- Breeding by means of polyploid production.

(c)Practical research on the cultivars breeding in ornamental plants.

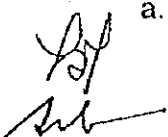
⇒Investigation of practical breeding technics of new cultivars and their propagation methods suitable to Argentine climates.

- Comparison between introduced foreign commercial and domestic cultivars.
- Introducing new genetic traits of native Argentine plants showing potential ornamental value into commercial cultivars
- Propagation by means of tissue culture.

## 7. MEASURES TO BE TAKEN BY JAPANESE SIDE

### (1) Dispatch of Experts

a. The Japanese long-term experts



Besides the Chief Advisor and the Project Coordinator, other long-term Expert(s) will be assigned to some of the following fields.

- a) Evaluation and improvement of potential ornamental species
- b) Breeding for new cultivars

Note: The Chief Advisor may serve concurrently as an expert in one of the above-mentioned technical fields

b. The Japanese short-term experts

Short-term experts may be dispatched when necessity arises within the framework of the Master Plan.

(2) Acceptance of Counterpart Personnel

Annual acceptance of counterpart personnel of Japanese experts for training in Japan shall be arranged during the cooperation period.

(3) Provision of Machinery and Equipment


Necessary machinery, equipment and other materials for the implementation of the Project would be provided within the budgetary limitation.

8. MEASURES TO BE TAKEN BY ARGENTINE SIDE

- (1) Provision of building and facilities necessary for the implementation of the Project
- (2) Assignment of the necessary number of full-time counterpart personnel to meet the fields of Japanese long-term experts
- (3) Budgetary allocation necessary for the implementation of the Project
- (4) Coordination and harmonization of related agencies and institutions

9. ADMINISTRATION OF THE PROJECT

- (1) The National Director of INTA, as the Project Director, will bear overall



responsibility for the administration and implementation of the Project.


- (2) The Director of the Biological Resources Institute, Research Center for Natural Resources, INTA, as the Project Manager, will be responsible for the managerial and technical matters of the Project.

## 10. JOINT COORDINATING COMMITTEE

### 1. Function

The joint coordinating committee composed of those members as listed in 2 below will be held at least once a year and whenever the need arises.

- (1) To formulate the Annual Work Plan under the framework of the Record of Discussion
- (2) To review the overall progress of the technical cooperation programme as well as achievement of the Annual Work Plan of the Project
- (3) To review those measures taken by the Government of Japan
- (4) To review those measures taken by the Government of the Argentine Republic
  - a. Allocation of necessary budget (including local cost expenditures)
  - b. Allocation of necessary counterpart personnel
  - c. Utilization of Machinery and equipment provided by the Government of Japan
- (5) To recommend to the respective Government particularly on:
  - a. Budgetary matters
  - b. Recruitment and appointment of the Argentine counterpart personnel
  - c. Selection and effective utilization of machinery and equipment
  - d. Appropriate dispatch of Japanese experts





e. Acceptance of Argentine counterpart personnel in Japan for training

f. Others

## 2. Composition

(1) Chairperson : President of INTA

(2) Vice-Chairperson : National Director of INTA

(3) Members:

a. Argentine side

(a) Director of the Research Center for Natural Resources, INTA

(b) Project Manager

(c) Representative(s) from International Relation Division, INTA

(d) Representative(s) from respective research activities of the Project

b. Japanese side

(a) Chief Advisor

(b) Coordinator

(c) Experts assigned to the Project

(d) Members of the Mission dispatched by JICA

(e) Resident Representative of the JICA Argentina Office

Notes:

1. Official (s) of the Embassy of Japan may attend the Joint Coordinating Committee meeting as observer(s)

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2. Person(s) who is / are nominated by the Chairperson may attend the Joint Coordinating Committee meeting

3. Meeting frequency

At least once a year

### III. SUGGESTIONS AND COMMENTS MADE BY THE TEAM AND THE ARGENTINE AUTHORITIES CONCERNED

1. It is clearly stated by INTA that in case of obtaining new cultivars in course of the Project, INTA would register officially them at the National Institute of Seeds (INASE) or another registration offices abroad in the name of INTA/JICA, and the royalties related to the new cultivars would be destined to the development of the floricultural area of INTA.

The above-mentioned item will be included in the Minutes of Discussions signed by the Argentine authorities concerned and the next coming Project Implementation Study Team dispatched by JICA.

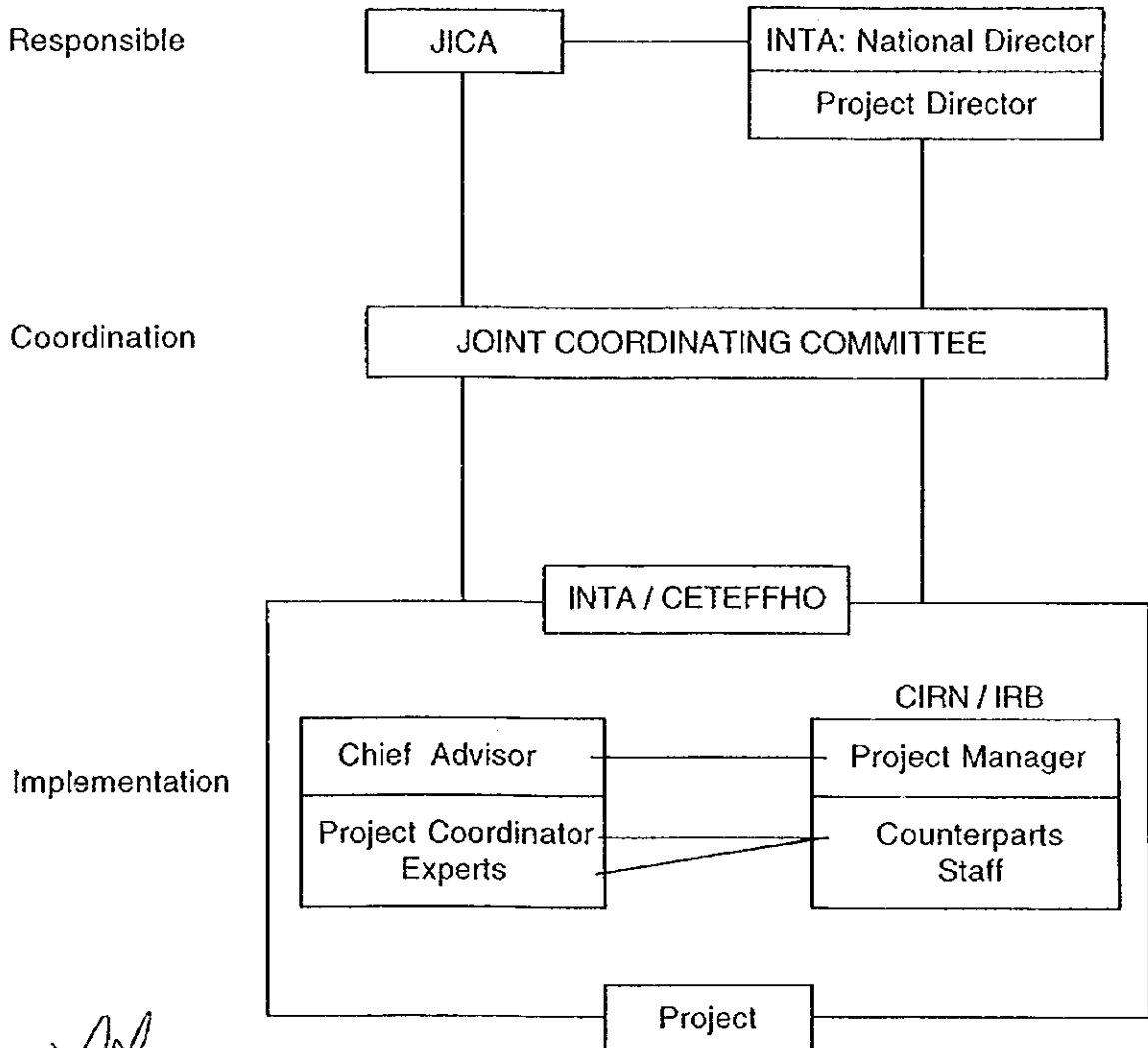
2. In consideration with the sustained development during and after the period of the Japanese Technical Cooperation, INTA has a plan to create a research unit concerning floriculture and the creation of a specialized local team on floriculture will be intended as a result of the Project.

The Team has also pointed out the necessity of a national policy to promote the Project activities and the development of floriculture in the Argentine Republic.

IV. The present minutes is prepared in both English and Spanish. In case of any divergence of interpretation, the English text shall prevail.



## Organization Chart of the Project



*AP*  
*M*

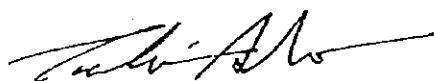
MINUTA DE DISCUSIONES  
ENTRE LA MISION JAPONESA DE ESTUDIOS PRELIMINARES  
Y  
LAS AUTORIDADES CONCERNIENTES DEL GOBIERNO  
DE LA REPUBLICA ARGENTINA  
SOBRE  
LA COOPERACION TECNICA DEL JAPON  
PARA EL PROYECTO DE DESARROLLO DE LA FLORICULTURA  
EN LA REPUBLICA ARGENTINA

En respuesta a la solicitud del Gobierno de la República Argentina para el Proyecto Desarrollo de la Floricultura (en adelante denominada "El Proyecto"), el Gobierno del Japón ha enviado desde el día 11 de agosto hasta el 21 de agosto de 1998, a la misión de estudios preliminares (en adelante denominada "La Misión"), organizada por la Agencia de Cooperación Internacional del Japón (en adelante denominada "JICA") y encabezada por el Dr. Toshio ANDO, Profesor de la Universidad Nacional de CHIBA. El objetivo de la Misión fue, esclarecer los fundamentos de la solicitud, identificar los problemas para la implementación del Proyecto y estudiar las factibilidades propuestas en el programa de cooperación técnica.

La Misión ha llevado a cabo estudios de campo y sostuvo una serie de conversaciones e intercambió opiniones con las autoridades competentes del Gobierno de la República Argentina.

Como resultado de las conversaciones, JICA y las autoridades competentes del Gobierno de la República Argentina convinieron en recomendar a sus respectivos Gobiernos el marco tentativo referido en el documento adjunto

Buenos Aires, 20 de Agosto de 1998



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Dr. Toshio ANDO  
Jefe  
Misión de Estudios Preliminares  
Agencia de Cooperación Internacional  
del Japón  
Japón



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Ing. Agr. Luis María FIRPO BRENTA  
Vicepresidente  
Instituto Nacional de Tecnología Agropecuaria  
República Argentina

## DOCUMENTO ADJUNTO

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### I. RESUMEN

La Misión analizó los fundamentos y el contenido del Proyecto propuesto, la situación actual y las problemáticas de la floricultura en este país, a través de una serie de reuniones con las autoridades concernientes de la parte Argentina y estudios de campo durante el período desde el 11 de Agosto al 22 de Agosto de 1998.

Los resultados técnicos hasta aquí identificados sobre evaluación y mejoramiento de potenciales especies ornamentales y mejoramiento para nuevos cultivares concernientes a la floricultura en la República Argentina. Finalmente la Misión confirmó que esto es significativo para iniciar este tipo de proyecto, previendo que el resultado del Proyecto intensificaría a las actividades de investigación sobre la floricultura y las técnicas de mejoramiento en flores y contribuirá al aumento de los ingresos de los productores florícolas a través del desarrollo de la calidad de la producción en la República Argentina.

Teniendo en cuenta los resultados de estos estudios, se ha trazado el siguiente marco tentativo del Proyecto, el cual ha sido modificado sobre la base del proyecto propuesto. Este marco de trabajo, sin embargo, puede estar sujeto a modificaciones a través de las futuras reuniones o estudios.

### II. MARCO TENTATIVO DEL PROYECTO

#### **1. NOMBRE DEL PROYECTO**

Proyecto de Desarrollo de la Floricultura en la República Argentina


#### **2. ORGANISMOS ARGENTINOS PARA EL PROYECTO**

(1) Ministerio responsable del Proyecto

Secretaría de Agricultura, Ganadería, Pesca y Alimentación del  
Ministerio de Economía y Obras y Servicios Públicos

(2) Organismo para la implementación del Proyecto

Instituto Nacional de Tecnología Agropecuaria  
(en adelante denominada "INTA")



### **3. ORGANISMO PARTICIPANTE DEL PROYECTO**

Centro Tecnológico de Flori-Fruti-Horticultura  
(en adelante denominada "CETEFFHO")

### **4. UBICACIÓN DEL PROYECTO**

(1) La ubicación será el Instituto de Recursos Naturales, Centro de Investigaciones en Recursos Biológicos, INTA, de la localidad de Hurlingham.

(2) El CETEFFHO actuará como organismo participante.

### **5. PLAZO DE COOPERACION**

Cinco (5) años

### **6. PLAN MAESTRO**

(1) Objetivos del Proyecto

a. Objetivo Principal

El Proyecto se ha fijado como objetivo principal el aumento de los beneficios de los productores florícolas, a través del mejoramiento de la calidad de los productos florícolas en la República Argentina

b. Propósito del Proyecto

El propósito del Proyecto es incrementar las actividades de investigación en el campo florícola y las tecnologías de mejoramiento en flores a través del uso de cultivares beneficiosos de origen argentino.

(2) Resultados y Actividades del Proyecto

a. Resultados

(a) Investigadores argentinos capacitados en el campo de nuevos sistemas de mejoramiento y métodos de preservación, usando potenciales plantas ornamentales nativas de la Argentina y variedades comerciales, tomando ventaja de las riquezas de los recursos genéticos.

(b) Apropriada tecnología de mejoramiento floral establecida en base a las teorías de mejoramiento y floricultura bajo las condiciones climáticas argentinas.



(c) Establecimiento de una tecnología apropiada y práctica sobre mejoramiento floral.

b. Actividades

(a) Investigación sobre técnicas de exploración, colección, evaluación y preservación en materiales de plantas ornamentales de origen argentino.

⇒ Transferencia a investigadores argentinos de tecnología para la introducción de nuevas variantes genéticas, evaluación, métodos de preservación y otros, siendo objeto las principales plantas ornamentales de origen argentino.

(b) Investigación sobre tecnologías aplicadas para plantas ornamentales florícolas de la Argentina.

⇒ Investigación de las tecnologías de mejoramiento apropiadas y su teoría, incluyendo métodos de cruzamiento, sistemas de producción de semillas, fisiología de germinación de semillas, análisis de cultivo y hábito de floración, e introducción de métodos para variantes especiales.

- Mejoramiento del hábito de floración en cada especie floral
- Selección para acortar el estadio juvenil en árboles ornamentales de flores
- Mejoramiento para tolerancia a sales, especialmente de alta concentración de sodio
- Mejoramiento mediante la producción de poliploides

(c) Investigación en el mejoramiento práctico de cultivares en especies ornamentales florales.

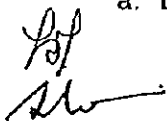
⇒ Investigación sobre técnicas de mejoramiento práctico para la producción de nuevos cultivares y sus métodos de propagación apropiado al clima argentino.

- Comparación entre cultivares foráneos introducidos y cultivares domésticos
- Introducción de nuevas variantes genéticas de plantas nativas argentinas que demuestren valores potenciales ornamentales a cultivares comerciales
- Propagación mediante cultivo de tejidos

## 7. MEDIDAS A TOMAR POR LA PARTE JAPONESA

### (1) Envío de Expertos

a. Expertos Japoneses de largo plazo



Además del Jefe de Asesores del Proyecto y del Coordinador del Proyecto, otros Expertos de largo plazo serán asignados a algunos de los siguientes campos.

- a) Evaluación y Mejoramiento de potenciales especies ornamentales
- b) Mejoramiento de variedades cultivadas

Nota: El Jefe de Asesores podrá desempeñarse concurrentemente como experto en cualquiera de los mencionados campos.

#### (2) Aceptación del Personal de Contraparte

La aceptación anual del personal de contraparte de los expertos japoneses para su capacitación en el Japón, será convenida durante el período de cooperación.

#### (3) Suministro de Equipamientos

Se realizará la donación de aquellos Equipamientos necesarios para la implementación del Proyecto, de acuerdo a las limitaciones presupuestarias.

### **8. MEDIDAS A TOMAR POR LA PARTE ARGENTINA**

- (1) Provisión del edificio e instalaciones necesarias para la implementación del Proyecto
- (2) Designación de la cantidad necesaria del personal de contraparte con dedicación completa, acorde a las especializaciones de los expertos japoneses de largo plazo
- (3) Asignación del presupuesto necesario para la implementación del Proyecto
- (4) Coordinación y armonización con los organismos e institutos relacionados

### **9. ADMINISTRACION DEL PROYECTO**

- (1) El Director Nacional del INTA, como Director del Proyecto tendrá a cargo la responsabilidad por la administración e implementación del Proyecto
- (2) El Director del Instituto de Recursos Biológicos, Centro de Investigaciones en Recursos Naturales del INTA, como Administrador del Proyecto, será responsable de los asuntos administrativos y técnicos relacionados al Proyecto





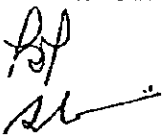
## 10. COMITÉ CONJUNTO

### 1. Funciones

El Comité Conjunto integrado por los miembros que se indican en el punto 2 siguiente, celebrará como mínimo una reunión al año y cuando sea necesario.

- (1) Formular el plan anual de trabajo de acuerdo al marco de trabajo del Resumen de Discusiones.
- (2) Revisar el avance global del programa de cooperación técnica, como así también la ejecución del plan anual de trabajo del Proyecto.
- (3) Revisar las medidas tomadas por el Gobierno del Japón.
- (4) Revisar las medidas tomadas por el Gobierno de la República Argentina.
  - a. Asignación del presupuesto necesario. (incluyendo los gastos locales)
  - b. Designación del personal de contraparte necesario.
  - c. Utilización de las maquinarias y equipamientos suministrados por el Gobierno del Japón.
- (5) Recomendar particularmente a ambos Gobiernos el análisis de los siguientes aspectos:
  - a. Temas presupuestarios
  - b. Asignación del personal de contraparte argentino
  - c. Selección y uso eficiente de las maquinarias y equipos
  - d. Envío adecuado de los expertos japoneses
  - e. Recepción del personal de contraparte argentino para su capacitación en el Japón
  - f. Otros

### 2. Composición



(1) Presidente:  
El Presidente del Consejo Directivo del INTA

(2) Vicepresidente:  
El Director Nacional del INTA

(3) Miembros:

a. Parte Argentina:

(a) Director del Centro de Investigaciones en Recursos Naturales del INTA

(b) Administrador del Proyecto

(c) Representante(s) del Departamento de Relaciones Internacionales del INTA

(d) Representante(s) de las respectivas actividades del Proyecto

b. Parte Japonesa:

(a) Jefe de Asesores

(b) Coordinador

(c) Expertos asignados al Proyecto

(d) Miembros de Misiones enviados por JICA

(e) Representante Residente de JICA, Oficina en la Argentina

Notas:

1. Funcionario(s) de la Embajada del Japón podrá(n) asistir a las reuniones del Comité Conjunto como Observador(es)

2. La(s) persona(s) designadas por el Presidente podrá(n) asistir a las reuniones del Comité Conjunto

3. Frecuencia de las reuniones

Por lo menos, una vez al año



### III. SUGERENCIAS Y COMENTARIOS HECHAS POR LA MISION Y LAS AUTORIDADES ARGENTINAS CONCERNIENTES

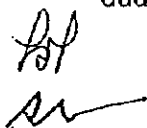
1. Queda claramente establecido por INTA que en el caso de obtener nuevos cultivares en el curso del Proyecto, INTA deberá registrarlo oficialmente ante el Instituto Nacional de Semillas (INASE) u otra oficina de registro fuera del país en nombre de INTA/JICA, y las regalías relacionadas al nuevo cultivar, deberán ser destinadas al desarrollo del área de floricultura del INTA.

El ítem arriba mencionado deberá ser incluido en la Minuta de Discusiones firmada por las autoridades argentinas concernientes y la próxima Misión de Implementación enviada por JICA.

2. En consideración con el desarrollo obtenido durante el período de la Cooperación Técnica Japonesa, el INTA tiene un plan de crear una unidad de investigación concerniente a floricultura y la creación de un equipo local especializado en este campo que será considerada como un resultado del Proyecto.

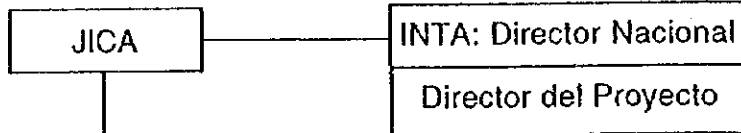
El Equipo ha señalado la necesidad de una política nacional para promover las actividades del Proyecto y el desarrollo de la floricultura en la República Argentina.

- IV. La presente minuta está preparada en idioma inglés y español. En caso de surgir dudas de interpretación, prevalecerá el texto en inglés.

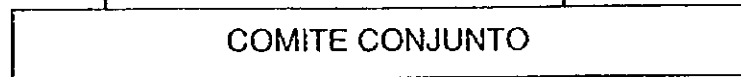
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# Organigrama del Proyecto

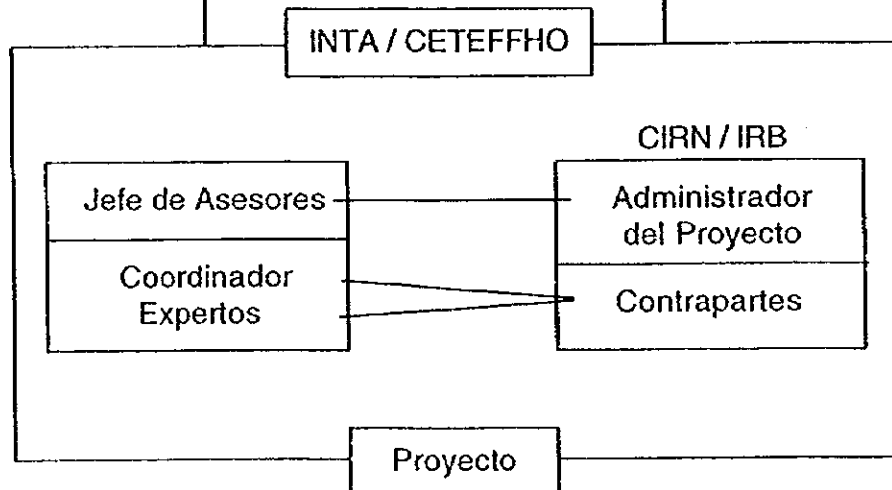
Responsable



Coordinación



Implementación



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## 資料2. PDM (案)

### 7M'NTEIN園芸開発計画：PDM(案)

#### Overall Goal：

花卉園芸作物の品質が改善され、花卉園芸農家の所得が向上する。

#### Project Purpose：

「7」国原生植物の新花卉としての素材化及び実用品種育成など育種技術に関する基礎的研究分野が強化される。

#### Outputs：

- (1)豊富な植物遺伝資源を活用した新花卉の素材化及び保存分野の研究者が養成される。
- (2)「7」国の気候・風土にあった花卉育種理論に基づく効率的育種技術が確立する。
- (3)実用的花卉品種育成に係る技術が開発される。

#### Activities：

- (1)「7」国に原生する花卉素材の探索・収集・評価・保存  
「7」国の山野に原生する主要な花卉を対象とし、新形質の導入のための素材化技術、そのための特性解明、評価、遺伝資源の保存等の手法を開発する。
- (2)「7」国における花卉の効率的育種技術の研究  
交配・採種法、種子生理、生育・開花能力の検定、特殊形質の付与など効率的育種技術、理論を開発する。
  - ・生態育種
  - ・稚樹開花性に関する育種
  - ・環境耐性(特にNa耐性)に関する育種
  - ・倍数性育種
- (3)実用的花卉品種育成に係る技術開発  
「7」国の気候・風土にあった実用的花卉品種の育成技術及び種苗増殖技術を開発する。
  - ・外国からの既成品種の導入と同一種の「7」国産との比較試験
  - ・既存の商業花卉品種への潜在的な花卉能力を有する「7」国原産花卉の新形質の導入
  - ・組織培養による増殖技術の開発

#### Inputs

- (1)長期専門家：チフトバパー、業務調整員、花卉素材評価、花卉育種(4名以内)  
短期専門家：必要数
- (2)研修員受入：年間2～3名程度
- (3)供与機材：1億円以内/5年間

資料3. アルゼンティン園芸開発計画活動計画（案）

# アルゼンティン園芸開発計画 活動計画（案）

国際協力事業団  
農業開発協力部  
畜産園芸課

アルゼンティン園芸開発計画 活動項目・活動内容(案)

研究番号	活動項目	活動内容
	アルゼンティン原生植物の新花卉として の素材化及び実用品種育成等育種 技術に関する基礎的研究分野を強 化する。	<p>「7」国では、従来、肥沃な土地を活かした伝統的な大規模農業経営(穀物、畜産、油料作物など)による輸出拡大を目指してきた。近年では、非伝統作物である園芸作物(花卉、野菜、果樹)についても、国の内外の需要が高まってきているところ、「7」国の園芸分野に係る安定化と成長を積極的に推進したいとしている。</p> <p>しかしながら、園芸作物における花卉分野については、現在、「7」国内に高レベルな研究機関がなく、また、大学の農学部においても専門の講義がほとんど存在しないため、後継者育成及び花卉生産技術は停滞している。更には、貴重な遺伝資源が豊富にあるにも関わらず、その利用・保存体制の整備が遅れている。</p> <p>そこで、「7」国では1997年6月、国ハルの花井園芸に係る委員会「花と観賞植物分科委員会」を設置し、輸入花卉の検疫問題や品種登録の法制化等に取り組んでいる。そのため、原産種の遺伝資源に係る研究が急務であると考えている。</p> <p>この様な状況において、「7」国政府は、花卉産業の振興を図るため自生種の遺伝資源の利用開発を行うとともに、人材育成を通じての栽培技術の向上を目的に、日本政府に対しプロジェクトはこのような要請に対して限られた期間内に最大の技術協力を得るため、「7」国原生の花井をとり上げ、これに関係する花卉素材の探索・収集・評価・保存、花卉の効率的育種技術の研究、花卉品種育成に係る技術指導などを内容とした技術協力活動を展開する。</p>
I	豊富な遺伝資源を活用した新花卉の素材化及び保存技術	<p>「7」国の山野に原生する主要な花卉を対象とし、新形質導入のための素材化技術、そのための特性解明、評価手法、遺伝資源の保存法等の技術を移転し、技術者を養成する。</p>
I-1	花卉素材の探索収集	<p>長期専門家の協力により、INTAカスティーリ内の生物資源研究所が業務を担当する。花卉遺伝資源を探索し、その収集を行う。</p>
I-2	特性解明	<p>長期専門家の協力により、INTAカスティーリ内の生物資源研究所が業務を担当する。収集した花卉につき、その遺伝資源としての特性を明らかにする。</p>

研究番号	活動項目	活動内容
I-3	評価	<p>長期専門家の協力により、INTAカスターム内の生物資源研究所が業務を担当する。素材として有望か、また新形質導入が可能であるかどうかの評価を行い、種類別、特性別に整理したガイドブックを作成する。</p> <p>但し、開示する情報は「7」国の花卉産業界の妨げとならないものに限る。</p>
I-4	収集した花卉素材の保存	<p>長期専門家の協力により、INTAカスターム内の生物資源研究所が業務を担当する。育種素材の栽培用にアラガクハウスを構築し、生物遺伝資源研究所のスタッフが管理を担当する。</p> <p>INTAの遺伝資源の保存法を応用し、種子を主体として必要に応じて花粉貯蔵、組織培養法（1年程度）による保存法を移転する。</p> <p>植物体は鉢植えで施設内において保存管理を行い、状況に応じて冷暖房設備のある施設にて保存する。</p>
II	「7」国における花卉の効率的育種技術の研究	<p>交配・採種法、種子生理、生育・開花能力の検定、特殊形質の付与等効率的育種技術に係る理論を研究・開発する。</p> <p>これにより、「7」国側に花卉育種技術を移転し、研究者を育成する。</p>
II-1	生態育種	<p>長期専門家の協力により、INTAカスターム内の生物資源研究所が業務を担当する。「7」国の四季、特に花卉栽培の中心をなすアエノスアイス周囲の四季は、日本やオランダなどとは大きく異なっており、遺伝的変異が大幅に拡大されて発現するという利点がある。この特性を活かした開花特性の改良をシンテッポウユリ、デルファイニウム、シクラメン等を材料として行う。</p>
II-2	雑樹開花性花木の育種	<p>長期専門家の協力により、INTAカスターム内の生物資源研究所が業務を担当する。「7」国にはハカランダ、ラバーチヨ、パロポラーチヨ等美しい花木がある。これらの遺伝的雑樹開花系統を探し出す。</p> <p>ハカランダ、ラバーチヨ、パロポラーチヨ等は南米を代表する花木であるが、その繁殖は専ら実生によっている。ところが、木本植物に特有のこととして、このような実生による繁殖では開花までに長い年月を要するのが一般的である。</p> <p>これに対処するため、開花までの年月が短い遺伝子型のものを探し出す。</p>



研究番号	活動項目	活動内容	内容
II-3	環境耐性（特にナトリウム耐性）に関する育種	長期専門家の協力により、INTAカスラール内の生物資源研究所が業務を担当する。ブエノスアイレス周辺の花井園芸はその用水の殆どを深井戸の井戸水に依存している。ところがこの井戸水は高濃度のナトリウムを含むため、その連続施用は用土のpHをアルカリ側に片寄せるとともに、植物に種々の生理障害を引き起こし、生産品の品質低下を来す要因となっている。これに対処するため、組織、細胞レベルでの変異系統の選抜をも含め、耐性系統の作出を図るための技術移転を行う。	
II-4	倍数性育種	長期専門家の協力により、INTAカスラール内の生物資源研究所が業務を担当する。大型化を図るための倍数性育種に係る理論・技術を移転する。	
III	実用的花卉品種育成に係る技術開発	「7」国の気候・風土にあった実用的花卉品種の育成技術及び種苗増殖技術を研究・開発する。 I及びIIの活動を踏まえ、「7」国側が独自で新品種の創出が可能となるよう、育成技術の移転及び人材養成を行う。	
III-1	国内外の花井品種の比較試験	長期専門家の協力により、INTAカスラール内の生物資源研究所が業務を担当する。ブエノスアイレス周辺の四季は、日本やオランダなどは大きく異なっており、また土壌条件も特殊である。そこでユリ、シクラメン、アルストロメリア、フリジーなどの、多数の既成品種を諸外国から導入（必要に応じて「7」国産の品種・系統を含める）して新品種創出を図るための比較試験を行う。	
III-2	商業花卉への潜在的能力を有する「7」国原産花卉の新形質の導入	長期専門家の協力により、INTAカスラール内の生物資源研究所が業務を担当する。既存の栽培品種との交配により、栽培品種とは異なる観賞性及び特性を備えた新品種の創出が可能となる育成技術と、既存品種に依存せず、原種のみから新しい花卉を創出する育成技術を研究・開発する。	
III-3	種苗増殖技術の開発	長期専門家の協力により、INTAカスラール内の生物資源研究所が業務を担当する。新品種の育種のための育種素材の維持を行う。 必要に応じて挿木、接ぎ木等の常法による他に、育成新品種の組織培養による種苗の増殖技術を研究・開発する。	

アルゼンティン園芸開発計画 (仮) 研究項目・到達目標 (案)

研究項目	対象花卉	到達目標
I 「7」国に原生する花卉素材の探索収集、特性解明・評価、保存		花卉遺伝資源の分布の実態を探索し、その収集を行なうとともに、遺伝資源としての評価及び保存が可能となる。
I-1 有用な花卉素材の探索・収集	1年目で品種、場所等詳細計画をC/Pと打ち合わせる。	新たに有用な遺伝資源を導入するとともに、日常の生活圏内における原生種が収集・整理される。
I-1-(1).花卉素材の探索及び収集		地区別に年3~4回の調査を行い、「7」国内の既存の花弁遺伝資源の探索を行うとともに、日常の生活圏内における観察と聞き取り、それに基づき優れた遺伝資源の収集を図る。
I-2 有用な花卉素材の特性解明		野生種の種子は、一般に深い休眠をもっている。収集した種子について発芽状況の推移を調査するとともに、その発芽生理の解明が可能となる。
I-2-(1).花卉素材の発芽状況調査	身近な花卉を対象に実地実験法を指導する。	種子を収集したのについて経時的に播種を行い、発芽状況の推移を調査する。
I-2-(2).花卉素材の発芽改善		難発芽性のものについては、熱湯処理等による発芽の改善に係る技術移転を行う。
I-3 有用な花卉素材の評価		遺伝資源の評価が可能となる。
I-3-(1).花卉素材の評価	探索収集した自生種について、有用な品種を対象とする。	花卉素材として有用かどうか、種類別の大きかなグレーディング(3段階又は5段階評価)手法を移転する。
I-3-(2).花卉素材の特性分類調査		種類別に観賞性、生態的特性、栽培の難易性等に対し、評価を行い、特性分類調査を行う。
I-3-(3).審査規程及び特性項目の選定		評価を行った後の花卉素材について、審査基準及び特性項目の選定についての指導・助言を行い、品目毎のガイドブックを作成する。

研究項目	対象花卉	到達目	標
I-4 有用な花卉遺伝資源の保存		INTAで行っている遺伝資源の保存法を応用し、種子、花粉、及び組織培養法による保存が可能となる。	
I-4-(1).種子及び花粉の保存法の技術移転		有用な花卉遺伝資源の種子及び花粉の保存法を移転する。	
I-4-(2).組織培養の保存法の技術移転		有用な花卉遺伝資源の組織培養による保存法を移転する。	

研究項目	対象花卉	到達目標
II 「7」国における花卉の効率的育種技術の研究		生態育種、稚樹開花性に関する育種、環境耐性（特にナトリウム耐性）育種、倍数性育種の4点を中心に、交配・採種法、種子生理、生育・開花能力の検定、特殊形質の選抜・付与等効率的育種技術を移転することにより、「7」側が独自で研究・開発が行なえるようになる。
II-1 生態育種 II-1-(1).シテッポウケリの開花特性の改良 II-1-(2).シクラメンの開花特性の改良 II-1-(3).その他の花卉の開花特性の改良	シテッポウケリ、デルフィニウム、シクラメン等C/Rに技術移転が容易な品種及び収集した原生種で育種試験に適したものを対象とする。	観賞性の向上を進め、生態的特性の改善を図るための育種技術が移転される。 幼形期と休眠期間が短く低温短日下でも開花容易な、年間繰り返し切り花可能なシンテポウユリの開花特性の改良法を移転する。 シクラメンの特性を活かした開花特性の改良法を移転する。 その他の花卉の特性を活かした開花特性の改良法を移転する。
II-2 稚樹開花性花木に関する育種 II-2-(1).ハカラダの稚樹開花個体の選定 II-2-(2).ラパチヨの稚樹開花個体の選定 II-2-(3).パロポラチヨの稚樹開花個体の選定	ハカラダ、ラパチヨ、パロポラチヨ等C/Rに技術移転が容易な品種及び収集した原生種に適したものを対象とする。	繁殖を専ら実生によっている花木について、開花までの期間が短い遺伝型のものを探し出す育種技術が移転される。 矮化剤の低限界処理による、ハカラダの稚樹開花系統を探し出すための技術を移転する。 ラパチヨの遺伝的稚樹開花系統を探し出すための技術を移転する。 パロポラチヨの遺伝的稚樹開花系統を探し出すための技術を移転する。

研究項目	対象花卉	到達目標
<p>II-3 環境耐性（特にナトリウム耐性）育種</p> <p>II-3-(1). 幼苗を用いた選抜法の開発</p> <p>II-3-(2). 幼苗を用いた実際選抜</p> <p>II-3-(3). 組織・細胞レベルでの変異系統の作出</p>	<p>対象花卉</p> <p>中等育種試験に適した品種</p>	<p>遺伝的に異なる、可能な限り多数のキクの幼若実生を用い、限界高濃度の重炭酸ナトリウム水を与えて、生き残る個体を節分ける。さらに、このような個体相互間の交配を行い、遺伝的耐性の強化に係る育種技術が移転される。</p> <p>キクの幼苗を用いたナトリウム耐性選抜法の開発に係る技術を移転する。</p> <p>キクの幼苗を用いたナトリウム耐性の実際選抜に係る技術を移転する。</p> <p>組織・細胞レベルでの変異系統の作出に係る技術を移転する。</p>
<p>II-4 倍数性育種</p> <p>II-4-(1). 倍数体の作出</p> <p>II-4-(2). 倍数体育種</p>	<p>C/Pに技術移転が容易な品種及び収集した原種で育種試験に適したものを対象とする</p>	<p>大型化を図るための倍数性育種に係る技術が移転される。</p> <p>大輪の花弁の作出を図るための育種技術を移転する。</p> <p>作出された倍数体を利用した実際育種法を移転する。</p>

研究項目	対象花卉	到達目	標
<p>Ⅲ 実用的花卉品種育成に係る技術開発</p>		<p>「7」国の特殊な気候・風土にあった実用的花卉品種の育成技術及び種苗増殖技術を研究・開発する。</p>	
<p>Ⅲ-1 国内外の花弁品種の比較試験</p>	<p>ユリ、フリージア、シクラメン等C/Pに技術移転が容易な品目及び育成試験に適した品目</p>	<p>国内外の花弁品種の育成試験研究に係る技術が移転される。</p>	
<p>Ⅲ-1-(1) ユリ、フリージア、シクラメンの育成技術</p>		<p>ユリ、フリージア、シクラメンについて多数の既成品種を諸外国から導入し「7」国に適用した実用的新品種創出のための形態的・生態的特性の比較試験を行う。</p>	
<p>Ⅲ-1-(2) その他の花卉の育成技術</p>		<p>その他の花卉について多数の既成品種を諸外国から導入し「7」国に適用した実用的新品種創出のための形態的・生態的特性の比較試験を行う。</p>	
<p>Ⅲ-2 商業花卉への「7」国原生品種の導入</p>	<p>7/ムストロミア、カセリア等育成試験に適し、C/Pへの技術移転が容易な属及び観賞用として商業化につなげる可能性の高い属</p>	<p>既存の商業花卉へ観賞用として価値の高い「7」国自生種の新形質を導入し、新品種創出を図る。</p>	
<p>Ⅲ-2-(1) 7/ムストロミアの改良技術</p>		<p>「7」国に分布する7/ムストロミアにつき、既成品種を諸外国から導入すると共に、これに「7」国産原種の持つ新形質を導入して品種改良を行う。</p>	
<p>Ⅲ-2-(2) その他の花卉の改良技術</p>		<p>「7」国に分布する属で、既に品種が発達している花卉につき、既存品種を諸外国から導入すると共に、これに「7」国産原種の持つ新形質を導入して品種改良を行う。</p>	
<p>Ⅲ-2-(3) 新しい花卉の創出技術</p>		<p>全く品種改良の行われていない属につき、原種のみから育種を進めて新しい花卉を創出する。</p>	
<p>Ⅲ-3 種苗増殖技術の開発</p>	<p>C/Pに技術移転が容易な品種及び商業化に可能な高い品種</p>	<p>実用的新品種について、挿木、接ぎ木等の常法による他に、組織培養による種苗の増殖技術が開発される。</p>	
<p>Ⅲ-3-(1) 交配親の維持</p>		<p>挿木、接ぎ木等の常法により、交配親の維持を行うための技術移転を行う。</p>	
<p>Ⅲ-3-(2) 種苗増殖技術の開発</p>		<p>必要に応じて組織培養法による種苗の増殖技術開発のための技術移転を行う。</p>	

アルゼンティン園芸開発計画 年次別到達目標 (案)

研究番号	到達目標				
	1 年次	2 年次	3 年次	4 年次	5 年次
I-1-(1)	INTA所有の既存の花弁遺伝資源に係るデータ整理を行い、地方における探索場所及び対象品目についで計画を立案する。日常生活圏内における観察と聞き取りにより、優れた遺伝資源の収集を行う。	地方での探索・収集及び日常生活圏内における観察と聞き取りにより、優れた遺伝資源の収集を行う。	地方での探索・収集及び日常生活圏内における観察と聞き取りにより、優れた遺伝資源の収集を行う。	地方での探索・収集及び日常生活圏内における観察と聞き取りにより、優れた遺伝資源の収集を行う。	日常生活圏内における観察と聞き取りにより、優れた遺伝資源の収集を行う。
I-2-(1)		花卉素材の発芽状況を調査する。	前年と同じ。	前年と同じ。	前年と同じ。
I-2-(2)		花卉素材の発芽改善に係る技術移転を行う。	前年と同じ。	前年と同じ。	前年と同じ。
I-3-(1)		花卉素材の評価手法を移転する。	前年と同じ。	前年と同じ。	前年と同じ。
I-3-(2)			特性分類調査を行う。	前年と同じ。	前年と同じ。
I-3-(3)			特性項目の選定及び審査基準について指導・助言を行う。	前年と同じ。	前年と同じ。 品目毎のガイドブックを作成する。
I-4-(1)		種子と花粉の保存法を移転する。	前年と同じ。		
I-4-(2)		組織培養による保存法を移転する。	前年と同じ。		

研究番号	年次別到達目標				
	1年次	2年次	3年次	4年次	5年次
II-1-(1)	周年切り花可能なシラメンの改良	前年と同じ。	前年と同じ。	前年と同じ。	
II-1-(2)	ポカエリの開花習性の改良 育種法を移転する。	前年と同じ。	前年と同じ。	前年と同じ。	
II-1-(3)	シラメンの開花習性の改良 育種法を移転する。	その他の花卉の開花習性の改良育種法を移転する。	前年と同じ。	前年と同じ。	前年と同じ。
II-2-(1)	燻化剤の低限処理による、ハカランガの花系統を探し出す。	前年と同じ。	前年と同じ。	前年と同じ。	
II-2-(2)	ハパーチョの花系統を探し出す。	前年と同じ。	前年と同じ。	前年と同じ。	
II-2-(3)			パロ・ラ・チョの花系統を探し出す。	前年と同じ。	前年と同じ。
II-3-(1)	キクの幼苗を用いたナトリウム耐性の選抜法の開発に係る技術移転を行う。	前年と同じ。			
II-3-(2)		キクの幼苗を用いたナトリウム耐性の実際選抜に係る技術移転を行う。	前年と同じ。	前年と同じ。	前年と同じ。
II-3-(3)				組織・細胞レベルでの変異系統作出に係る技術移転する。	前年と同じ。
II-4-(1)		大輪の花弁の作出を図るための育種技術を移転する。	前年と同じ。		
II-4-(2)			倍数体を利用した実際育種法を移転する。	前年と同じ。	前年と同じ。



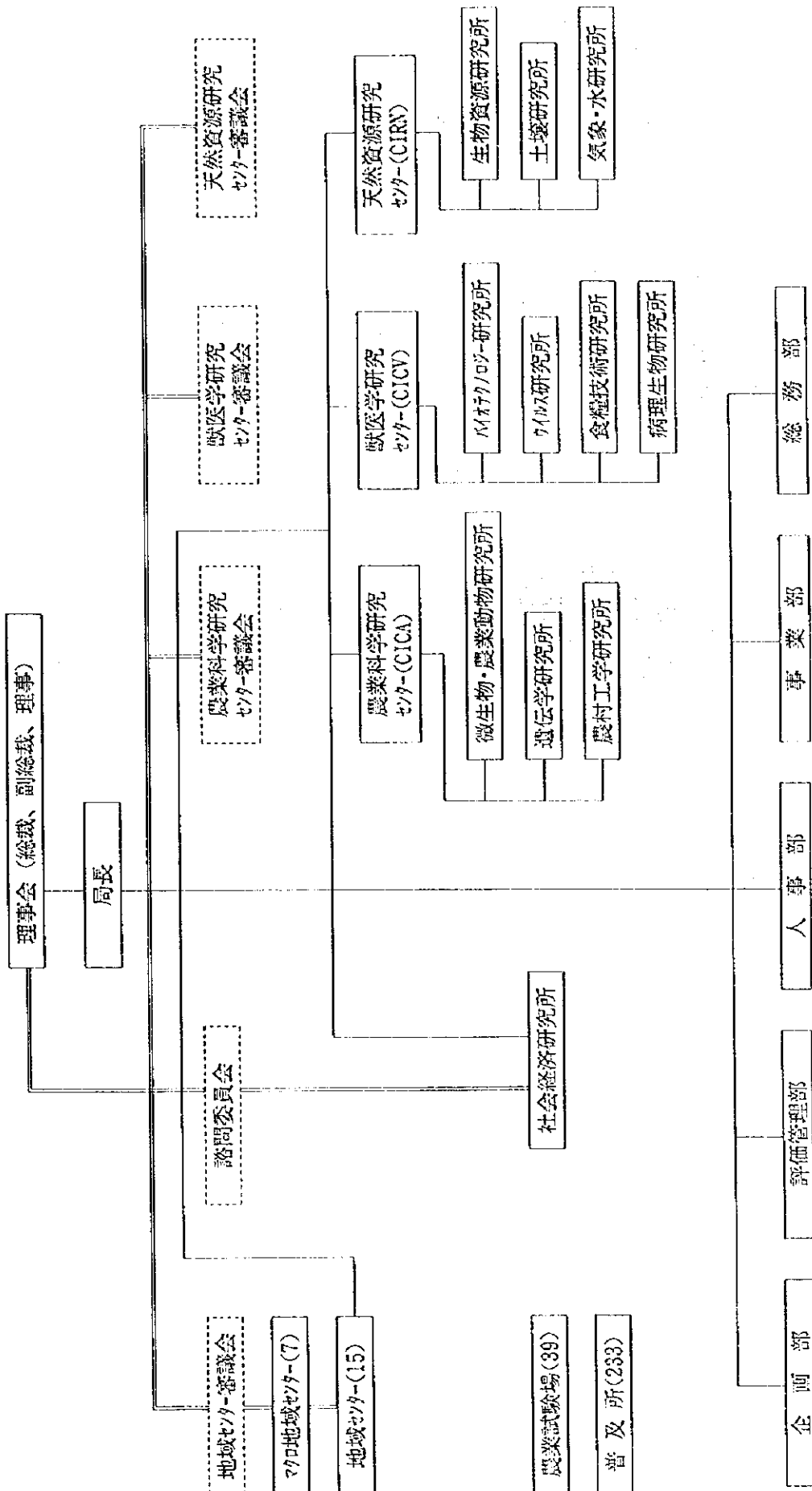
研究番号	年次				到達目標	
	1年次	2年次	3年次	4年次	5年次	
Ⅲ-1-(1)	ユリ、フリージア、シラマンを対象に、実用新品種創出を図るべく生態的特性の比較試験を行う。	前年と同じ。	前年と同じ。	前年と同じ。	前年と同じ。	
Ⅲ-1-(2)			その他の花卉を対象に、実用新品種創出を図るべく生態的特性の比較試験を行う。	前年と同じ。	前年と同じ。	
Ⅲ-2-(1)		アルストロメリアの生態的品種特性の比較試験を行った後「ア」国産原種の新形質を導入し、新品種を創出するための技術を移転する。	前年と同じ。	前年と同じ。	前年と同じ。	
Ⅲ-2-(2)		カセオリア等の花卉属について、品種特性の比較試験を行った後「ア」国産原種の新形質を導入し、新品種を創出するための技術を移転する。	前年と同じ。	前年と同じ。	前年と同じ。	
Ⅲ-2-(3)		採集された観賞価値が高く、栽培上強い特性を持つ属について、種間交配、選抜によるため新花卉を創出するための技術を移転を行う。	前年と同じ。	前年と同じ。	前年と同じ。	
Ⅲ-3-(1)		交配親の維持を行うための技術を移転を行う。	前年と同じ。	前年と同じ。	前年と同じ。	
Ⅲ-3-(2)			必要に応じ、組織培養による増殖技術開発のための技術を移転を行う。	前年と同じ。	前年と同じ。	

アルゼンティン園芸開発計画（仮） 成果目標（案）

研究番号	研究項目	成果
I	花卉素材の探索収集・特性解明・評価・保存	
I-1	探索収集	1. 花卉素材の分布図の作成。
I-2	特性解明	1. 発芽特性、発芽生理の解明手法の確立。
I-3	評価	1. 評価手法の確立。 2. 花卉遺伝資源ハットブックの作成
I-4	収集した花卉素材の保存	1. 種子の保存手法の確立。 2. 花粉の保存手法の確立。 3. 組織培養による保存手法の確立。
II	花卉の効率的育種技術の研究	
II-1	生態育種	1. 交配母体として有望な品種系統の特性一覧表作成。 2. 育種試験基準の作成。 3. C/Pによる研究論文の発表。
II-2	雑樹開花性に関する育種	1. 交配母体として有望な品種系統の特性一覧表作成。 2. 育種試験基準の作成。 3. C/Pによる研究論文の発表。
II-3	環境耐性（特にナトリウム耐性）に関する育種	1. 交配母体として有望な品種系統の特性一覧表作成。 2. 育種試験基準の作成。 3. C/Pによる研究論文の発表。
II-4	倍數性育種	1. 交配母体として有望な品種系統の特性一覧表作成。 2. 育種試験基準の作成。 3. C/Pによる研究論文の発表。
III	実用的花卉品種育成に係る技術開発	
III-1	国内外の花卉品種の比較試験	1. フェリス州における適応性検定及び特性検定の調査基準の作成。
III-2	商業花卉への「Y」国原生種の新形質導入	1. 既存品種に新形質を導入することによる新品種の育成。 2. 既存の花卉品種と無縁の新しい花卉の創出。
III-3	種苗増殖技術の開発	1. 花卉新品種の種苗生産。

資料4. 国立農牧技術院組織図 (INTA 概要)

INTA (国立農牧技術院) 組織図



## INTA 概要

### 1. INTA天然資源研究センター(CIRN)生物資源研究所

生物の保存が目的で1988年より活動している。

植物として300種類が植物園のように管理されている。北のチコ、南のパタゴニアの植物等。

#### 〔標本館〕

1920年ころより調査、収集、保存されている。国内及び近隣の植物の標本8,000種、300,000点を品目別に仕分け保存している。採取年月日、場所が記されている。

#### 〔種子貯蔵〕

種子については特別な分野についても行っている。木材関係…エカ

採取した種子は乾燥させて貯蔵する。管理温度14度、湿度18,9%、種類によっては0度、20度、-20度に分けて貯蔵している。

#### 〔発芽室〕

5度、8度、20度で試験。

シャーシに濾紙でなく、ティッシュに似た2枚重のものを使用していた。

### 2. INTA/CIRN土壌研究所

最近ではパンパの土地の団粒が失われ、酸性化が進み、その防止を図っている。また、国土を5500万ha×4区に分け、25年ごとに土地の土質等の調査を行い、5万分の1の地形図を作成している。生産性を左右するので、これにより土地の税の負担を決めている。

### 3. INTA 農業科学研究センター(CICA)遺伝学研究所

#### \* 遺伝研究所

農牧省の組織の中にあっただが、INTAが設立と同時にINTAに移管した。INTAの設立前から活動を行っており、麦、小麦の遺伝関係の研究を行っている。また、蔬菜、果樹等の研究も行っている。

特に麦、小麦、7M7M7Mの研究が進んでいる。民間、欧州ECとも協定している。

7M7M7Mの農産物の基盤となっている伝統的作物である小麦、とうもろこし、大豆、馬鈴薯等は、DNAマーカーを使って品種の違いの識別を行っている。既に別の場所で研究が行われており、昨年からはこちらでも始めた。

遺伝関係の情報処理光ファイバーを使ってINTAカサールの他、2ヶ所とネットワークができており、サーバーが各センターに置かれている。また、ジェネラル・ラスタもつながっている。

### 4. INTA/CICA微生物農業動物研究所

(1)害虫関係 (2)土壌微生物関係 (3)遺伝育種 (4)発酵

### 5. INTA獣医学研究センター(CICV)ウイルス研究所

予算は10万ペソ

小麦、馬鈴薯にウイルス抵抗をつける。また、ウイルスの状態も調査する。AFLP方式でマーカーを作る。

馬鈴薯の遺伝子に3つのウイルス抵抗性をのせるためのベクターを探している。ベクターとしてパチス・リナスを利用している。

資料5. プロジェクト向け INTA 施設・機材リスト

Equipment and infrastructure. Availability of use

I Conservation Area.

1 Gene Bank

	Total capacity	Available August/98 capacity
a) Six long term conservation Chambers (-20°C)	78m <sup>3</sup>	13m <sup>3</sup>
b) Two medium term conservation Chambers (5-10°C)	26m <sup>3</sup>	13m <sup>3</sup>
c) Two germination Chambers (walk-in) (25-30°C)	26m <sup>3</sup>	13m <sup>3</sup> (variable)
d) Two germinating cabinets	2m <sup>3</sup>	1m <sup>3</sup> (variable)
e) Drying Chamber (temperature and relative humidity control)	30m <sup>3</sup>	5m <sup>3</sup> (variable)
f) Seed Lad.	50m <sup>3</sup>	
g) Data Bank office	9m <sup>3</sup>	

2 "In vitro" Culture Bank

1 Refrigerator (14)

1 Drying oven

1 Analytical balance

1 Autoclave

1 Deionizer

1 Microwave oven

2 Laminar flows

1 Stereoscopic Microscope

3 Growth rooms 22.5m<sup>3</sup>

II Seed Physiology Conservation

1 Germinator

1 Single laminar flow

1 Ultra low freezer (-85°C)

1 Freezer (-18°C)

1 Photo microscope

2 Dewar glasses (3 and 10 liters)

1 Analytical balance

3 Owens

1 Conductivity meter

1 Spectrophotometer

III Genetic Resources Characterization and Evaluation

Molecular Markers-Biochemistry and Cytogenetic Labs

2 Water bath model 183

2 Analytical balances

9 Power Supply

2 Orbital shakers

2 Freezer (-20°C)

- 1 Freezer (-70°C)
- 1 Glass door refrigerator
- 1 Fluorometer
- 1 Rocker
- 3 DNA thermal cyclers (48 wells)
- 1 DNA thermal cyclers (96 wells)
- 2 Magnetic stirrers
- 1 pHmeter
- 2 mixer
- 1 Microwave oven
- 1 Centrifuge MP4R
- 4 Horizontal gel electrophoresis systems
- 1 UV visible transilluminator + polaroid camera
- 1 Handle UV DNA lamp photodyne
- 2 Visible transilluminator
- 1 Freezer-dryers
- 1 Water distilling
- 1 Water deionization system
- 1 Ice maker machine
- 2 Olympus microscopes (one photo camera system)
- 3 Vertical electrophoresis units
- 1 Eppendorfshaker
- 1 Eppendort microfuge

IV Plan Taxonomy	Total capacity	Available August/98 capacity
Cabinets:	247.33 m <sup>3</sup>	-----
1 Geographic Positional Systems (GPS)		
5 Microscopes stereoscopics		
1 Optical microscope		
1 Freezer		
1 Plant dryer		
2 Drawing tables		
Herbarium dimensions	330 m <sup>3</sup>	30 m <sup>3</sup>
2) Offices dimensions	28.8 m <sup>3</sup>	

#### V Forest

##### Characterization and Evaluation Area

1 Glass house (Heating-mist)	60 m <sup>3</sup>
1 Glass house (Temperature control-warm bed, mist aspersion)	35 m <sup>3</sup>
2 Deposit	70 m <sup>3</sup>
1 Experimental field (fenced)	300 m <sup>3</sup>
1 Freezer	
1 Analytical balance	
1 pH meeter	

1 Telefax  
1 Chain saw  
1 Mowing machine  
1 moto cultivator  
Field tools

Forest tree meters

1 Geographic Positional Systems (GPS)  
1 Vehicle (Van)

## VI Informatic Area

Network LAN

Operative System Windows'95

Unix System Server (Outside network)

Windows NT Server (local network)

1 Pc486 Dx4-112 Mb RAM-1GBHD-8 Mb RAM-300 Mb HD

1 Pc pentium MMX 233-32 Mb RAM-4 GB HD

1 Workstation Silicon Graphic 02 128 Mb RAM-4Gb HD

1 Pentium 133 MMX-32 Mb RAM-32 Gb HD

2 Pc K5 166-16 Mb RAM-2Gb HD

1 Pc Pentium II 233 Mhz-32 Mb RAM-3.2 Gb HD

1 Pc pentium MMX 200-332 Mb RAM-3.2 Gb HD

1 Pc586

1 Pc386

5 printers

1 Desk scan600\* 300DPI

資料 6. 日系花卉園芸農家視察一覽

1998.8.11

日系花卉園芸農家視察一覽

7Mゼンイン園芸総合試験場

氏名	入植年次	地域	所有温室面積 及び温室棟数	主要作目	農業租収入 (1997年)	備考
T. S	二世	Moreno	6,000㎡ 25棟	草花 (鉢花) アラカ 苗生産	500,000ドル	7Mカ、オソガへの見学成果を實踐し、一部機械化を導入。研究会のリーダー。
M. H	1963年	Moreno	6,500㎡ (鉄骨)	花き・野菜の アラカ 苗生産	850,000ドル (推定)	7Mゼンインにおけるアラカ 苗生産の草分けであり、従業員を組織的に使用し、生産と販売を効率的に行っている。
T. A	1963年	Loma Verde Escobar	15,000㎡	観葉植物	665,000ドル	日本、7Mカへの見学成果を實踐し、新技術、新品種を導入。日農協会長。研究会リーダー。
H. J	二世	Urquiza移住地、La Plata	6,000㎡ (推定)	ハラ (切花)	150,000ドル (推定)	新品種及び新技術を取り入れ、園を会社の形態で経営している。研究会リーダー。
I. J	1962年 ハラカアイより転住	Urquiza移住地、La Plata	14,400㎡ 60棟	カーネーション (切花)	140,000ドル (推定)	切花の主要作目であるカーネーションの新品種導入や技術改善に先導的役割を果たしている。
M. Y	1971年	Urquiza移住地、La Plata	16,800㎡ 70棟	7Mストロリア、ユリ (切花)	70,000ドル	7Mストロリアの新品種導入や技術改善に先導的役割を果たしている。

- (注) 1. 切花栽培農家戸数：日系農家550戸、非日系農家800戸  
 2. 鉢物栽培農家戸数：日系農家280戸、非日系農家150戸  
 3. 切花栽培1戸当たり規模：20-25棟 (1棟240㎡)  
 4. 鉢物栽培1戸当たり規模：15-20棟 (1棟240㎡)

5. アラカ移住地1戸当たり農業租収入 (18戸平均) 79,000ドル (切花中心)  
 6. R-ア-ベル移住地1戸当たり農業租収入 (10戸平均) 241,000ドル (鉢物・鉢花中心)

上記(注) 1~4は平成9年9月の聴取り調査結果による。

上記5~6はJICA農家経済調査による1997年度分調査結果。



ARGENTINA

LAW NO. 20247/73 ON SEED AND PHYTOGENETIC CREATIONS\*

of March 30, 1973

CHAPTER I

GENERAL

Article 1

The purpose of this Law is to promote efficient activities in the production and marketing of seed, to provide agricultural producers with a guarantee of the identity and quality of the seed they acquire and to protect property in phyto-genetic creations.

Article 2

For the purposes of this Law:

- (a) "seed" shall mean any plant organ intended for sowing or propagation.
- (b) "phyto-genetic creation" shall mean any cultivar obtained by discovery or by the application of scientific knowledge to the inheritable improvement of plants.

Article 3

The Ministry of Agriculture and Animal Husbandry, with the advice of the National Seed Commission, shall implement this Law and establish the requirements, standards and tolerance levels, both in general and for each class, category and species of seed.

CHAPTER II

NATIONAL SEED COMMISSION

Article 4

There shall be set up, within the jurisdiction of the Ministry of Agriculture and Animal Husbandry, a National Seed Commission having the nature of a collegiate body, with the functions and powers assigned to it by this Law and by the relevant regulations.

\* Spanish title: Ley de Semillas y Creaciones Pitogenéticas No. 20247/73

\*\* Source: Boletín Oficial of April 16, 1973

#### Article 5

The Commission shall consist of ten (10) members appointed by the Ministry of Agriculture and Animal Husbandry. The members shall be required to have special knowledge of seed. Five (5) of the members shall be officials representing the State, of which two (2) shall belong to the National Directorate of Agricultural Control and Marketing, two (2) to the National Institute of Farming Technology and one (1) to the National Grain Board. Five (5) further members shall represent the private sector, one (1) of which shall represent the plant breeders, two (2) shall represent the production and marketing of seed and two (2) shall represent the users. The Ministry of Agriculture and Animal Husbandry shall determine which of the representatives of the State shall act as President and Vice-President of the Commission. The remaining persons comprising the Commission shall act as members of the Commission.

Each member of the Commission shall have an alternate appointed by the Ministry of Agriculture and Animal Husbandry, who shall act in the absence of the full member, having the same capacity as the member.

The representatives of the private sector, whether full members or alternates, shall be appointed on the proposal of the most representative entities of each branch. Their term of office shall be of two (2) years. They may be reelected and may not be removed during their term of office, except on serious grounds. They shall receive an indemnity to be laid down each year on the proposal of the Ministry of Agriculture and Animal Husbandry.

#### Article 6

The Commission shall take its decisions on a simple majority of the votes and the President shall have a casting vote in the event of equally divided voting. Such decisions shall be communicated to the Ministry of Agriculture and Animal Husbandry which, should it judge them to be pertinent, shall have them implemented by its specialized services.

#### Article 7

The Commission shall have the following duties and powers:

- (a) To propose rules and interpretation criteria for implementing this Law.
- (b) To specify the species to be included under the "supervised" seed system.
- (c) To pronounce on any matter submitted to it by the technical services of the Ministry of Agriculture and Animal Husbandry in compliance with this Law and its regulations.
- (d) To consider and give opinions on draft official policies, laws, decrees, decisions and provisions of a national, provincial or municipal nature related to the subject matter of this Law as well as to the official agricultural produce marketing bodies.
- (e) To examine the evidence regarding presumed infringements of this Law and propose, as appropriate, application of the penalties laid down in Chapter VII.

- (f) To settle technical disputes arising between the services of the Ministry of Agriculture and Animal Husbandry and identifiers, merchants, distributors and users arising from the application of this Law and its regulations.
- (g) To propose to the Ministry of Agriculture and Animal Husbandry the fees to be levied for the services provided under this Law and also any amendment to those fees.

In addition to the duties and powers set out above, the Commission may propose such governmental measures as it holds necessary for improved compliance with the Law.

#### Article 8

The Commission shall lay down its own internal working rules and shall have a standing Technical Secretariat.

It shall set up committees to deal with specific matters, which may be of a standing nature and which shall be composed in accordance with the above-mentioned rules.

### CHAPTER III

#### SEED

#### Article 9

Seed displayed to the public or supplied to users for any purpose must be duly identified and the following minimum particulars shall be specified on the container label:

- (a) Name and address of the identifier of the seed and his registration number.
- (b) Name and address of the merchant selling the seed and his registration number, where he is not the identifier.
- (c) Common name of the species and the botanical name for those species where it is required by regulation; in the event of a mixture of two (2) or more species, the term "mixture" together with the names and percentages of each of the components that individually or jointly exceed the total percentage established by regulation.
- (d) Name of the cultivar and its varietal purity, where appropriate; where such is not the case, the term "common" shall be given.
- (e) Percentage of physical--botanical purity, by weight, where it is less than the values laid down by regulation.
- (f) Germination percentage, as a figure, and the date of the analysis (month and year) where it is lower than the values laid down by regulation.
- (g) Percentage of weeds for those species where such is required by regulation.

- (h) Net content.
- (i) Harvest year.
- (j) Origin, in the case of imported seed.
- (k) "Category" of the seed where appropriate.
- (l) "Treated seed--poison" in red letters where the seed has been treated with a toxic substance.

#### Article 10

The following "classes" of seed are established:

- (a) "Identified." Seed that complies with the requirements of Article 9.
- (b) "Supervised." Seed that not only complies with the requirements for "identified" seed and obtains good results in officially approved tests, but is also subjected to official control during the stages of its production cycle. This class shall comprise the "categories": "original" (basic or fundamental) and "certified" in various grades.

The regulations may establish other categories within the above-mentioned classes.

The Ministry of Agriculture and Animal Husbandry, with the advice of the National Seed Commission, shall maintain within the supervised production system all those species that are subject thereto on the date of entry into force of this Law and may compulsorily incorporate into the "supervised" seed system such species as it deems fit for agronomic reasons or reasons of the general interest.

#### Article 11

The importing and exporting of seed shall be subject to the arrangements under this Law in accordance with the rules laid down by the National Executive Power in order to protect and promote agricultural production within the country.

#### Article 12

When settling disputes as to the quality of seed that is imported or exported, the international standards applicable to methods and processes for analysis and seed tolerances shall be applied.

#### Article 13

There shall be set up, under the jurisdiction of the Ministry of Agriculture and Animal Husbandry, a National Register of Seed Trade and Supervision in which shall be entered, in accordance with the provisions to be laid down by regulation, all persons who import, export, produce supervised seed, process, analyse, identify or sell seed.

Article 14.

Any type of transfer of seed for the purposes of trade, sowing or propagation by third parties may only be effected by a person entered in the National Register of Seed Trade and Supervision and who shall be responsible, on transfer of the seed, for its correct labeling. The regulations shall lay down those cases where such responsibility may cease due to the passage of time or other factors.

Article 15

The Ministry of Agriculture and Animal Husbandry, with the advice of the National Seed Commission, may prohibit or subject to special requirements and rules, either provisionally or permanently, over all or part of the national territory, the production, promotion or marketing of given seed where it deems fit for agronomic reasons or for reasons of the general interest.

When taking any of the above-mentioned measures, the Ministry of Agriculture and Animal Husbandry shall be required to lay down a sufficient period of time for their application to avoid damaging legitimate interests.

## CHAPTER IV

NATIONAL REGISTER OF CULTIVARSArticle 16

There shall be set up, under the jurisdiction of the Ministry of Agriculture and Animal Husbandry, a National Register of Cultivars in which shall be entered any cultivar identified for the first time in accordance with Article 9 of this Law; the entry must be sponsored by an agricultural engineer having a national title or a qualification recognized as equivalent. Cultivars of public knowledge on the date of entry into force of this Law shall be entered ex officio by the above-mentioned Ministry.

Article 17

The application for entry of a cultivar shall state the name and address of the applicant, the botanical species, the name of the cultivar, the origin, the most distinctive characteristics in the view of the professional sponsor, and the source. The Ministry of Agriculture and Animal Husbandry, with the advice of the National Seed Commission, may establish additional requirements for the entry of certain species. Cultivars of the same species may not be entered with the same or a confusingly similar name; the denomination in the original language shall be respected, following the same criterion. Entry in the Register established by Article 16 shall not afford property rights.

Article 18

Where the Ministry of Agriculture and Animal Husbandry, with the advice of the National Seed Commission, considers it proven that the name is the same or confusingly similar, it shall give priority to the name given in the first description of the cultivar in a scientific publication or in an official or private catalogue, or to the common name or, in case of doubt, to the first name entered in the National Register of Cultivars, the use of other denominations shall be prohibited as from a date to be laid down in each case.

## CHAPTER V

NATIONAL REGISTER OF CULTIVAR OWNERSHIPArticle 19

There shall be set up, under the jurisdiction of the Ministry of Agriculture and Animal Husbandry, a National Register of Cultivar Ownership for the purpose of protecting the property rights of the creators and discoverers of new cultivars.

Article 20

The phylogenetic creations and cultivars that are distinguishable from the creations and cultivars already known on the filing date of the application for property rights and of which the individuals possess sufficiently homogeneous and stable hereditary characteristics through successive generations may be entered in the Register set up by Article 19 and shall be considered "property" as provided by this Law. The appropriate action must be taken by the creator or discoverer, with the sponsorship of an agricultural engineer having a national title or a qualification recognized as equivalent, and the new cultivar must be identified with a name that complies with the relevant provisions of Article 17.

Article 21

The application for property rights in the new cultivar shall set out the characteristics required by Article 20 and shall be accompanied by seed and samples of the cultivar if so required by the Ministry of Agriculture and Animal Husbandry. The Ministry may subject the new cultivar to laboratory and field tests and trials in order to confirm the claimed characteristics and may accept as evidence the reports on trials previously carried out by the applicant for property rights and reports by official services.

On the basis of such elements of judgment and with the advice of the National Seed Commission, the Ministry of Agriculture and Animal Husbandry shall decide whether to grant the corresponding title of ownership. Until such title is granted, the cultivar concerned may not be sold or offered for sale. The owner shall be required to keep a living sample of the cultivar at the disposal of the Ministry of Agriculture and Animal Husbandry during the term of validity of the title concerned.

Article 22

The title of ownership of a cultivar shall be granted for a term of not less than ten (10) nor more than twenty (20) years, depending on the species or group of species, in accordance with the provisions of the regulations. The title of ownership shall contain the date of issue and the date of expiry.

Article 23

The title of ownership of a cultivar may be assigned on condition that the corresponding transfer be entered in the National Register of Cultivar Ownership. If not entered, the transfer shall not be enforceable against third parties.

Article 24

The property right in a cultivar shall belong to the person who has obtained the cultivar. The persons involved in the work relating to the phyto-genetic creation or the discovery of a new cultivar shall have no rights in the exploitation of the cultivar on their own behalf, unless they have the authorization of the owner.

Article 25

Ownership of a cultivar shall not prevent other persons from using the cultivar for creating a new cultivar, which may be entered in the name of its creator without the consent of the owner of the phyto-genetic creation used to obtain it, provided that the original cultivar does not have to be used in a permanent manner to produce the new cultivar.

Article 26

A title of ownership sought for a foreign cultivar must be filed by its creator or by his duly authorized representative residing in Argentina and shall be granted on condition that the country in which it originates affords similar rights to Argentine phyto-genetic creations. The maximum term of ownership in such cases shall be that remaining up to expiry of the rights in the country of origin.

Article 27

The property rights in a cultivar shall not be infringed by anyone who, for any reason, furnishes seed of the cultivar with the owner's permission or who holds back and sows seed for his own use or who uses or sells as raw material or foodstuff the product obtained by growing the phyto-genetic creation.

Article 28

The title of ownership of a cultivar may be declared to be "restricted public use" by the National Executive Power, on a proposal by the Ministry of Agriculture and Animal Husbandry, on the basis of equitable compensation for the owner where such declaration proves necessary to ensure adequate supplies in the country of the product obtained from growing the cultivar and where the person enjoying the property rights does not satisfy the public need for seed of such cultivar in the quantity and at the price considered reasonable. During the period during which a cultivar is declared to be of "restricted public use," the Ministry of Agriculture and Animal Husbandry may allow it to be used by interested persons who are able to provide satisfactory technical guarantees and who duly register with the Ministry. The declaration by the Executive Power may or may not state the compensation to be paid to the owner or such compensation may be determined between the parties concerned. Where the parties fail to agree, the National Seed Commission shall lay down the compensation by a decision that shall be appealable before the Federal Court. The negotiation of the agreement on compensation may under no circumstances delay the availability of the cultivar, which shall be immediately available following the declaration by the National Executive Power; failure to comply shall make the owner punishable in accordance with this Law.

Article 29

The declaration of "restricted public use" in respect of a cultivar shall be effective for a term of not more than two (2) years. Extension for a further period of the same duration may be declared only by a new, reasoned decision of the National Executive Power.

Article 30

The title of ownership of a cultivar shall lapse for the following reasons:

- (a) Renunciation by the owner of his rights, in which case the cultivar shall fall into the public domain.
- (b) Where it is shown that the title has been obtained by means of fraud in respect of third parties, in which case the rights shall be transferred to their legitimate owner where he can be identified, failing which it shall fall into the public domain.
- (c) Expiry of the statutory term of ownership, from which time onwards it shall fall into the public domain.
- (d) Where the owner is not able to furnish a sample of the cultivar having the same characteristics of the original, at the request of the Ministry of Agriculture and Animal Husbandry.
- (e) Failure to pay the annual fee to the National Register of Cultivar Ownership within six (6) months of a duly substantiated demand for payment, in which case the cultivar shall fall into the public domain.



## CHAPTER VI

FEES AND SUBSIDIESArticle 31

The National Executive Power, on a proposal by the Ministry of Agriculture and Animal Husbandry and with the advice of the National Seed Commission, shall lay down fees for the following cases:

- (a) Entry, annual renewal and certification in the National Register of Cultivar Ownership.
- (b) Entry and annual renewal in the National Register of Seed Trade and Supervision.
- (c) Provision of official labels for "supervised" seed.
- (d) Seed analysis and cultivar tests.
- (e) Services requested.
- (f) Registration of laboratories and other ancillary services.

Article 32

On a proposal by the Ministry of Agriculture and Animal Husbandry and with the advice of the National Seed Commission, the Executive Power may grant under the conditions laid down by the regulations, subsidies, special promotional credits and tax exemptions to cooperatives, official agencies, persons and enterprises with domestic capital that deploy their efforts for phyto-genetic creation. The funds to cover such expenditure shall be set off against the "Seed Law" special account.

Article 33

On a proposal by the Ministry of Agriculture and Animal Husbandry and with the advice of the National Seed Commission, the Executive Power may award prizes as an incentive to plant breeding technicians who, through their work in the various official agencies, contribute new cultivars possessing outstanding properties and being of significant benefit to the national economy. The funds required for this purpose shall be set off against the "Seed Law" special account.

Article 34

A special account, with the heading "Seed Law," shall be opened and shall be administered by the Ministry of Agriculture and Animal Husbandry, to which shall be credited the funds obtained from fees, fines, donations and other income and amounts to be determined in the general budget of the Nation, and to which shall be debited the expenditure and investments required to keep up the services, subsidies and prizes referred to in this Law. Any funds not spent during one financial year shall be carried forward to the following financial year.

## CHAPTER VII

PENALTIESArticle 35

Any person who displays or furnishes for any purpose seed not identified in the manner laid down by Article 9 and the regulations or who makes a false statement in the specifications on the container label shall receive a reprimand in the case of a simple error or omission and, in other cases, be liable to a fine of between one hundred pesos (\$100) and one hundred thousand pesos (\$100,000) together with confiscation of the merchandise if it cannot be put into proper condition for marketing as seed. In such case, the Ministry of Agriculture and Animal Husbandry may authorize the owner to sell the confiscated merchandise for consumption or destruction as determined by the regulations.

Article 36

Any person who distributes seed of cultivars not registered in the National Register of Cultivars shall be liable to confiscation of the merchandise and a fine of between one thousand pesos (\$1,000) and sixty thousand pesos (\$60,000). The fine shall be adjusted by reference to the offender's background and to the economic value of the seed.

Article 37

Any person who identifies or sells, with the correct or other identification, seed of cultivars whose propagation and marketing have not been authorized by the owner of the cultivar shall be liable to a fine of two thousand pesos (\$2,000) and one hundred thousand pesos (\$100,000).

Article 38

Any person who acts contrary to decisions taken under Article 15 shall be liable to a fine of between two thousand pesos (\$2,000) and one hundred thousand pesos (\$100,000) and confiscation of the infringing merchandise.

Article 39

Any person who provides information or who carries out advertising in a manner that is misleading or may mislead as to the quality or condition of seed, or who withholds or misrepresents information he is required to give by this Law, shall be liable to a reprimand or a fine of between one thousand pesos (\$1,000) and sixty thousand pesos (\$60,000).

Article 40

In addition to the penalties provided for in Articles 33 to 39 and in Article 42, persons referred to in Article 13 may also be subject to provisional or final suspension from the National Register of Seed Trade and Supervision and thus be prohibited from exercising any activity governed by this Law during the period of suspension insofar as they may infringe this Law and its regulations in their capacity as importers, exporters, seed producers, processors, analysts, identifiers or sellers.

Article 41

Persons or entities required under Article 13 to register in the National Register of Seed Trade and Supervision who fail to do so shall be liable to a reprimand and shall be required to regularize the situation within fifteen (15) days of receipt of notification. In the event of non-compliance, they shall be liable to a fine of one thousand pesos (\$1,000). In the event of a second or third offense, the fine shall be a maximum of sixty thousand pesos (\$60,000).

Article 42

Failure to justify the use made of official labels acquired for "supervised" seed within the periods of time laid down by the regulations shall be punishable by a fine of twice the value determined for each label as laid down in Article 31(d).

Article 43

The seller shall be required to refund to the buyer the price of seed bought in infringement plus the cost of carriage. The buyer shall be required to return the seed he has not sown, together with the respective containers. Any expenditure resulting from this action shall be borne by the seller.

Article 44

The Ministry of Agriculture and Animal Husbandry may periodically publish the results of its inspections and samplings. It may also publish its decisions imposing penalties in two (2) newspapers, one (1) of which--at least--shall be a newspaper of the locality where the infringer resides.

Article 45

Officials acting under this Law may carry out an inspection, take samples, and effect analyses and tests of seed stored, transported, sold or offered or displayed for sale at any time or place. They shall have access to any premises where seed is held and may request or examine any documents relative to seed. They may prevent or directly oppose the sale and movement of any lot of seed presumed to be in infringement for a period not exceeding thirty (30) days.

To this end, the Ministry of Agriculture and Animal Husbandry may in all cases where it deems fit, request the effective cooperation of other official agencies, as well as the assistance of the police

#### Article 46

The penalties for infringement of this Law and its regulations shall be imposed by the Ministry of Agriculture and Animal Husbandry, following a decision by the National Seed Commission. The persons on whom penalties have been imposed may appeal for reconsideration to the Ministry within ten (10) working days following notification of the penalty.

#### Article 47

The infringer may appeal from an adverse decision of the Ministry of Agriculture and Animal Husbandry to the Federal Court after paying the fine concerned within thirty (30) days of notification of the adverse decision.

#### Article 48

Application of the penalties under this Chapter shall not preclude such penalties as may be applicable for infringement of other statutory provisions.

### TRANSITIONAL PROVISIONS

#### Article 49

The holders of cultivars provisionally entered under Law No. 12.253 at the time of entry into force of this Law may request ownership of those cultivars as laid down in Chapter V.

#### Article 50

Articles 22 to 27--Chapter Promotion of Genetics--of Law No. 12.253 are hereby repealed together with any other provision contrary to this Law.

#### Article 51

Chapters I and II shall enter into force on the day that this Law is promulgated, the other Chapters and Articles 49 and 50 shall enter into force six (6) months after the promulgation of this Law. The Ministry of Agriculture and Animal Husbandry may postpone for up to eighteen (18) months the application of Article 9 for such seed as it deems fit.

#### Article 52

[Publication, etc.]

## ARGENTINA

IMPLEMENTING DECREE NO. 2183/91 TO THE LAW  
ON SEED AND PHYTOGENETIC CREATIONS\*

## CHAPTER I

GENERALArticle 1

For the understanding of the concepts used in Law No. 20.247 and in these Regulations,

- (a) "Seed" or "planting material" means any plant organ, not only seed in the strict botanical sense, but also fruit, bulbs, tubers, buds, cuttings, cut flowers and any other structures, including nursery plants, whenever intended or used for sowing, for planting or for propagation.
- (b) "Plant genetic creation" means any variety or cultivar, whatever its genetic nature, obtained by discovery or by incorporation and/or application of scientific knowledge.
- (c) "Variety" means a group of plants within a single botanical taxon of the lowest known rank which can be defined by the characteristics that are the expression of a given genotype or combination of genotypes and can be distinguished from other groups of plants of the same botanical taxon by at least one of the said characteristics. A particular variety may be represented by several plants; a single plant or by one or several parts of a plant, provided that such part or parts can be used for the production of entire plants of the variety.
- (d) "Breeder" means the person who breeds or discovers a variety or cultivar.

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\* Spanish Title: Decreto Reglamentario de la Ley de Semillas y Creaciones Fitogenéticas No. 2183/91

Source: Boletín Oficial of November 1, 1991

Entry into Force: November 2, 1991

## CHAPTER II

NATIONAL SEED COMMISSION (CONASE)Article 2

The NATIONAL SEED COMMISSION (CONASE) shall exercise the function of adviser under Article 7 of the Law No. 20.247 under the jurisdiction of the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES which will exercise full powers as the implementing authority under the said Law.

Article 3

In the cases for which provision is made in indents d) and e) of Article 7 of Law No. 20.247, the NATIONAL SEED COMMISSION (CONASE) shall give its opinion within a period of FIFTEEN (15) days. It can request a single extension of time of fifteen days when the completion of the task requires it. At the expiration of the said period, the implementing authority shall act on the matter without further formalities.

Article 4

The Technical Secretariat of the NATIONAL SEED COMMISSION (CONASE) shall perform its functions within the ambit of the implementing authority under Law No. 20.247 jointly with the committees provided for in Article 8 of the said Law.

## CHAPTER III

IMPLEMENTING AUTHORITYArticle 5

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES, as the implementing authority under Law No. 20.247, shall perform the tasks described in Article 6 of this Decree by means of the NATIONAL SEED SERVICE (SENASE), or any organization which replaces it in the future.

Article 6

The following shall be the functions of the NATIONAL SEED SERVICE (SENASE):

- (a) to keep the National Register for Seed Trading and Certification and to publish periodically the lists of establishments that constitute its sections;
- (b) to keep the National Register of Cultivars, to effect the registration ex officio of plant genetic creations that are a matter of common knowledge and to publish specific catalogues periodically;

- (c) to keep the National Register of Cultivar Ownership and to issue cultivar property titles;
- (d) to effect botanical, agricultural and industrial inspections of varieties that have been or are to be registered, and also of material subject to certification in plant research establishments;
- (e) to lay down provisions for the registration, operation and supervision of establishments that produce "certified" seed, and also of any other category of establishments that it sees fit to regulate;
- (f) to lay down with the advice of the NATIONAL SEED COMMISSION (CONASE) provisions for the registration and supervision of the growing and production of the various categories of seeds;
- (g) to carry out inspections of establishments producing certified and/or identified seed;
- (h) to carry out the inspection of planted material submitted for certification, and to authorize the sale of the production achieved;
- (i) to arrange for the printing of official labels for the identification of certified seed;
- (j) to sell the official labels to certified establishments;
- (k) to carry out the inspection of seed on sites of production, processing, trading or transport;
- (l) to determine the characteristics and procedures for the packing and labelling of planting material;
- (ll) to supervise the publicizing of the agronomic characteristics of varieties;
- (m) to supervise the import and export of seed under Law No. 20.247;
- (n) to direct the Official Board of Comparative Testing of Registered Cultivars, and to publish findings periodically;
- (ñ) to direct the Central Seed Testing Station and its associated laboratories; to lay down the provisions for the authorization and operation of seed-analysis laboratories;
- (o) to supervise the seed trade, exercising the police powers established by Article 45 of Law No. 20.247;
- (p) to publish periodically the results of the inspections and samplings provided for in Article 44 of Law No. 20.247;
- (q) to ensure compliance with Article 39 of Law No. 20.247;
- (r) to provide for control over the production and transport of seed prior to its identification;
- (s) to determine the fate of seed confiscated under Articles 35 to 38 of Law No. 20.247;
- (t) to provide the NATIONAL SEED COMMISSION (CONASE) with all information that may be requested of it for the satisfactory operation of the latter body;
- (u) to lay down provisions for the operation of quality certification schemes organized by species or groups of species;

- (v) to lay down provisions whereby the National Register for Seed Trading and Certification registers for publicity purposes; and at the request of interested parties, standard license contracts and/or ordinary licenses granted by breeders or associations of breeders and third parties;

The NATIONAL SEED SERVICE (SENASA) may, in order to carry out the afore-said functions better, seek the advice of the NATIONAL SEED COMMISSION (CONASE) on matters within its competence.

#### Article 7

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES may delegate the functions provided for in subparagraphs (g), (h), (j), (k), (l), (o), (p), (q), (r) and (s) of Article 6 of this Decree by means of special arrangements with official agencies at national, provincial or municipal level, which shall remain under the supervision and direct responsibility of the implementing authority, subject to a prior ruling by CONASE. It may likewise entrust collaborative functions to private bodies with respect to the assignments provided for in subparagraphs (g), (h), (j), (k) and (n) of the said Article 6, by means of special arrangements under the supervision and direct responsibility of the implementing authority, subject to a prior ruling by the NATIONAL SEED COMMISSION (CONASE).

### CHAPTER IV

#### SEED

#### Article 8

For the purposes of the interpretation of Article 9 of Law No. 20.247, it shall be presumed that:

- (a) seed "exposed to the public" means all that which is available for delivery for whatever reason and in respect of which advertising, the display of samples, trading, offering for sale, display for sale, transactions, exchanges or any other forms of marketing take place, whether on properties or in premises, warehouses, depots, fields, etc., either in bulk or in containers of any kind.
- (b) Seed "delivered to users for whatever reason" means all that seed which is:
- (i) in vehicles destined for users;
  - (ii) in the possession of users.

Seed that has not been identified or is in the process of being identified and does not fall into the above categories shall be regarded as not exposed to the public.

Supervision of the production and transport of seed prior to identification shall be organized by the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES jointly with the organization which is competent in the particular case.



The Law 19.982 on the Identification of Merchandise as amended shall apply subsidiarily for the purposes of identification.

#### Article 9

"Label" means any label, tag or printed slip of any kind pasted, stamped or tied on to the seed package or container. The implementing authority shall lay down rules concerning the use, characteristics and constituent materials of labels, packages and containers and any other elements suitable for identifying, containing or protecting planting material.

#### Article 10

The class of "identified" seed shall include the following categories:

- (a) "common": where the name of the variety is not given;
- (b) "listed": where the name of the variety is given. The implementing authority shall specify the cases in which the cultivar may or should be mentioned, for which purpose it may seek the advice of the NATIONAL SEED COMMISSION (CONASE).

#### Article 11

The class of "certified" seed contains the following categories:

- (a) "original" (basic or initial): the progeny of genetic, prebasic or elite seed, produced in such a way as it retains its purity and identity;
- (b) "certified first-propagation" (registered): the first-generation offspring of "original" seed;
- (c) "certified subsequent-propagation": seed produced from "original" or "first-propagation" planting material or from any earlier propagation stage; the implementing authority shall specify the stages of propagation;
- (d) "hybrid": planting material obtained as a result of the production cycle of first-generation hybrid cultivars.

#### Article 12

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES, on the advice of the NATIONAL SEED COMMISSION (CONASE), shall determine the species in respect of which it shall be mandatory or optional to produce and sell seed corresponding to the "certified" class.

Planting material corresponding to species where certification is optional may be marketed as "identified" except in the case of hybrid cultivars.

Article 13

The import and export of seed shall take place through the agency of the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES, which may grant or refuse import or export licenses in the light of an assessment of their compliance with requirements pertaining to registration, quality, health and certification of origin that have to be met by any seed according to its species, cultivar and destination, the latter term being understood to mean direct distribution, propagation or testing.

The import of seed of species declared "agricultural pests" is prohibited.

Article 14

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES shall lay down, on the proposition of the NATIONAL SEED SERVICE (SENASE), the maximum and minimum periods determining liability for the quality of planting material.

The sale or display to the public of seed whose liability period has expired shall be prohibited.

The liability of the identifier or retailer shall end if, when the merchandise has been delivered, it is found that the containers have been tampered with or that the merchandise has been improperly stored by others.

The fact of pasting, stamping or attaching a label on to a package or container shall have the character of a sworn declaration on the part of the person who does so.

## CHAPTER V

NATIONAL REGISTER OF CULTIVARSArticle 15

The National Register of Cultivars shall be organized in sections by species, botanical varieties or lower taxons where appropriate, according to the rules laid down by the NATIONAL SEED SERVICE.

Article 16

Those new or undisclosed cultivars that meet the requirements of Article 18 of this Decree shall be entered in the National Register of Cultivars, as shall, ex officio, those that are a matter of common knowledge on the date of entry into force of Law No. 20.247.

For those purposes:

- (a) "new or undisclosed variety" means any variety that has been identified for the first time, is covered by a property title issued by the implementing authority or has not yet been recorded, with a similar description, at the time of its submission to the National Register of Cultivars;
- (b) "variety that is a matter of common knowledge" means any variety that has appeared in scientific publications or in official or private catalogues in the country, or has been declared to be in the public domain in countries with which reciprocity agreements exist, and the characteristics of which, as required by Article 17 of Law No. 20.247, are known.

#### Article 17

Varieties already registered under Decree No. 50/89 shall remain on record in the official registers kept by the implementing authority.

#### Article 18

The application form for entry in the National Register of Cultivars shall have the character of a sworn statement and shall be filed with the implementing authority subject to compliance with the following requirements:

- (a) name, address and registration number of the applicant in the National Register for Seed Trading and Certification;
- (b) name, address and professional registration number of the agronomist sponsoring the registration;
- (c) common and scientific names of the species;
- (d) name of the variety;
- (e) establishment and locality in which the variety has been produced, with an indication where appropriate of the country of origin;
- (f) morphological, physiological, health, phenological and physico-chemical features, and the most striking industrial or technological properties that allow it to be distinguished. Photographs, drawings or any other commonly-accepted technical means of illustrating morphological aspects shall be enclosed.

#### Article 19

For the purposes of compliance with the provisions of subparagraph (d) of the foregoing Article, it shall be considered that:

- (a) varieties to be registered must be designated by a denomination intended to be its generic designation in accordance with the provisions of Article 17 of Law No. 20.247; that denomination shall combine the following characteristics:
  - (i) it shall permit identification of the variety;
  - (ii) it may not be composed solely of numerals, except where that is a common practice in the designation of varieties;
  - (iii) it may not mislead or confuse as to the characteristics, value or identity of the variety or as to the identity of its breeder;

(iv) it must be different from any denomination that designates a pre-existing variety of the same botanical species or a similar species in any other country;

The NATIONAL SEED SERVICE (SENASA) may refuse the registration of a variety whose denomination does not combine the aforesaid characteristics, and shall demand the proposal of another denomination within 30 days of the notification of refusal;

(b) The implementing authority may in addition require the breeder to change the denomination of a variety when:

(i) it affects prior rights granted by another country;

(ii) registration is sought for a denomination different from the one registered for the same cultivar in a State or States with which the Argentine Republic has signed agreements on the subject.

#### Article 20

Any person who places on sale or in any way markets or handles in any capacity planting material of a variety protected by a property title shall be obliged to make use of the denomination of that variety, even after the property title has expired, provided that previously-acquired rights are not affected thereby. The denomination of the variety may likewise be accompanied by a trademark or trade name or similar sign, in so far as it does not mislead as to the denomination of the variety or the name of the breeder.

#### Article 21

If a cultivar is registered in the National Register of Cultivar Ownership, the approved denomination thereof shall be registered at the same time as the property title concerned is granted.

#### Article 22

The implementing authority may request the submission of additional information on agronomic properties: genetic origin, proof of health status, agro-ecological qualities and proof of industrial value.

#### Article 23

The NATIONAL SEED SERVICE (SENASA) shall regulate the registration of varieties in the National Register of Cultivars, which shall be given priority according to the hour and date of submission, and which may be registered either provisionally or finally, while registration may also be refused, and the exercise of the rights deriving from grant suspended, or rights already registered may be cancelled, where anomalies or defects that warrant such a step are detected. The measure shall be subject to appeal by referral to the Federal Courts of Administrative Litigation.

Article 24

The National Seed Service (SENASA) shall satisfy itself of the authority or scientific value of catalogues or publications invoked in cases of synonymy, and shall set the date from which the simultaneous use of different names for the same variety is to be prohibited.

Article 25

Where varieties belonging to a species whose registration has been organized and implemented have not themselves been registered or where their registration has been cancelled in the National Register of Cultivars, their distribution on whatever grounds shall be prohibited.

## CHAPTER VI

CONDITIONS FOR THE GRANT OF TITLES OF OWNERSHIPArticle 26

For a variety to be the subject of a property title it shall meet the following conditions:

- (a) Novelty: It shall not have been offered for sale or sold by the breeder or with his consent:
  - (i) in the national territory, before the date of filing the application for inscription in the National Register of Cultivar Ownership;
  - (ii) in the territory of another State with which the Argentine Republic has a bilateral or multilateral agreement on the subject for a period greater than FOUR (4) years or, in the case of trees or vines, for a period greater than SIX (6) years before the application for inscription in the National Register of Cultivar Ownership;
- (b) Distinctness: It must be clearly distinguishable by means of one or more characteristics, from any other variety whose existence is a matter of common knowledge at the time of the filing of the application. In particular, the filing of an application for the granting of a breeder's right or for the entering of another variety in an official register of varieties, in any country, shall be deemed to render that other variety a matter of common knowledge from the date of the application, provided that the application leads to the granting of a breeder's right or to the entering of the said other variety in the official register of varieties, as the case may be.
- (c) Uniformity: Subject to predictable variations due to the specific features of its propagation, it must retain its most significant hereditary characteristics in a sufficiently uniform manner;
- (d) Stability: its most significant hereditary characteristics must remain true to the description thereof after repeated propagation, or, in the case of a particular cycle of propagation, at the end of each such cycle.

Article 27

The grant of a property title in a variety, in so far as it meets the conditions specified in this Title and the denomination of the variety conforms to the provisions of Articles 19, 20 and 21 of this Decree, may not be made subject to any additional condition other than payment of the appropriate fee.

## CHAPTER VII

RECORDING IN THE NATIONAL REGISTER OF CULTIVAR OWNERSHIPArticle 28

The National Register of Cultivar Ownership shall be organized in sections by species, botanical varieties or lower taxons where appropriate, as directed by the implementing authority.

Article 29

The application for registration in the National Register of Cultivar Ownership shall have the character of a sworn statement, and shall be filed with the implementing authority, subject to compliance with the following requirements:

- (a) name, address of the breeder or discoverer or his national representative if appropriate;
- (b) name, address and professional registration number of the agronomist sponsoring the registration;
- (c) common and scientific names of the species;
- (d) name proposed for the variety;
- (e) establishment and locality in which the variety was bred;
- (f) description: this must cover the morphological, physiological, health, phenological and physico-chemical features, and also the industrial or technological properties that allow it to be identified; drawings, photographs or any other commonly-accepted technical means of illustrating morphological aspects shall be enclosed;
- (g) justification of novelty: reasons for which it is considered that the variety possesses new and undisclosed character, with evidence of differentiation in relation to existing varieties;
- (h) verification of stability: date on which the cultivar was propagated for the first time as such, for verification of stability;
- (i) origin: national or foreign, with an indication in the latter case of the country of origin;
- (j) reproductive or vegetative propagation mechanism;
- (k) other additional conditions for species that so require, as established by the NATIONAL SEED SERVICE (SENASA).

The implementing authority may, when it considers this necessary, require field trials and/or laboratory tests for the verification of the characteristics attributed to the new cultivar.

#### Article 30

The filing of the application for the registration of a variety in any State with which the Argentine Republic has a bilateral or multilateral agreement on the subject shall give the applicant priority for TWELVE (12) months for its registration in the National Register of Cultivar Ownership; that period shall be calculated as from the day following that of first filing in any such State. On its expiration, the applicant shall have a period of TWO (2) years in which to submit the documentation and material required by Article 29 of this Decree.

#### Article 31

Any decision to grant a right of ownership of a variety shall require an examination for compliance with the conditions provided for in Chapter VI of this Decree. In the course of the examination, the NATIONAL SEED SERVICE (SENASE) may grow the variety or carry out other necessary tests or take into account the results of growing tests or other trials which have already been carried out. For the purposes of examination, the authority may require the breeder to furnish all the necessary information, documents or material, which should be available to the implementing authority for the validation of the title of ownership.

#### Article 32

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES, on the advice of the NATIONAL SEED COMMISSION (CONASE), shall enact provisions governing the procedure for the recording of cultivars in the Register. The provisions to be enacted shall be without prejudice to the right of third parties to make such oppositions as they consider appropriate.

#### Article 33

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES, when it has all the facts of the case in its possession, shall decide on the grant of the property title and shall make the appropriate communication to the applicant and shall issue the title.

#### Article 34

If the decision of the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES is to refuse registration, this shall be brought to the notice of the applicant in order that he may produce specific proof concerning the aspects objected to within a maximum period of HUNDRED AND EIGHTY (180) days.

If the applicant does not contest the refusal of his application, he shall be regarded as having renounced it.

If he does contest the refusal, the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES shall have THIRTY (30) days within which to pronounce on the subject, for which purpose it may seek the advice of the NATIONAL SEED COMMISSION (CONASE).

#### Article 35

The breeder's right shall be declared null and void when it is established that, at the time of the grant of the title of ownership:

- (a) The conditions laid down in indents (a) and (b) of Article 26 were not effectively complied with.
- (b) Where the grant of the breeder's right has been essentially based upon information and documents furnished by the breeder, the conditions laid down in indents (c) and (d) of Article 26 were not complied with.

The right of the breeder shall not be declared null and void for reasons other than those referred to in this article.

#### Article 36

The right of the breeder in a variety shall lapse in accordance with the provisions of Article 30 of Law 20.247 for the following reasons:

- (a) The breeder surrenders his rights, in which case the variety falls into the public domain.
- (b) When it is shown that it has been obtained by fraud upon a third party, in which case the right shall be transferred to its legitimate owner if he can be identified. In the contrary case, it shall fall into the public domain.
- (c) Upon termination of the legal period of ownership, after which it passes into the public domain.
- (d) When the breeder is not in a position to provide the implementing authority with the materials considered necessary to control the maintenance of the variety, as required by Article 31 of this Decree.
- (e) For failure to pay the annual fee to the National Register of Cultivar Ownership for a period of SIX (6) months from the making of a demand for payment, after which the variety passes into the public domain.

The breeder may not be deprived of his right for reasons other than those mentioned in this Article.

#### Article 37

Property titles for cultivars shall be granted for a maximum of TWENTY (20) consecutive years for all species.

The SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES may specify other, shorter periods, depending on the nature of the species.



Article 38

When the property title has been granted, the relevant decision of the SECRETARIAT OF AGRICULTURE, LIVESTOCK AND FISHERIES shall be published in the Official Gazette at the expense of the party concerned.

Surrenders of titles, cancellations and transfers shall also be published at his expense.

Article 39

Any transfer of the property title shall take place in the form of a request that states the names and addresses of the transferor and transferee, and shall be accompanied by the legal document evidencing the said transfer. The record of transfer shall be entered in the National Register of Cultivar Ownership and on the property title. The transferee shall remain subject to the same obligations as the transferor.

Article 40

Where the breeding of a new variety has been achieved by two or more persons, ownership thereof shall be governed by the rules of the Civil Code on joint ownership.

In the case of persons who have collaborated in the breeding of the variety in the course of employment relations, the provisions of Article 82 of the Law on Employment Contracts, No. 20.744, and amendments thereto, shall apply.

## CHAPTER VIII

THE RIGHTS OF THE BREEDER. SCOPE AND RESTRICTIONSArticle 41

For the purposes of Article 27 and related Articles of Law No. 20.247, and also the present Regulations, the property rights granted to a breeder in respect of a variety shall have the effect of making his prior authorization necessary for the acts specified below in relation to the planting material of the protected variety:

- (a) Production or reproduction;
- (b) Conditioning for the purposes of propagation;
- (c) Offering for sale;
- (d) Sale or any other form of marketing;
- (e) Export;
- (f) Import;
- (g) Advertising, display of samples;

- (h) Exchange, transfer and any other form of commercial transaction;
- (i) Stocking for any of the purposes mentioned in subparagraphs (a) to (h);
- (j) Any other delivery; in whatever connection.

#### Article 42

The breeder may make his authorization of the acts specified in the foregoing Article subject to conditions defined by himself, including for instance quality control, inspection of plots, volume of production, royalty percentages, periods, authorization to sublicense and other such restrictions.

Where a breeder makes a firm public offer of licensing, it shall be presumed that whoever carries out any of the acts specified in the foregoing Article has secured authorization therefor.

#### Article 43

The ownership of a variety shall not prevent its use as a source of variation, or as a provider of desirable characteristics in plant improvement work.

To that end, it shall not be necessary either to know the breeder or to secure his authorization. However, the repeated and/or systematic use of a variety as a necessary means of producing commercial seed shall require the authorization of the said owner.

#### Article 44

The authorization of the breeder of a variety shall not be required, in accordance with the provisions of Article 27 of Law No. 20.247, when a farmer saves and uses as planting material on his own holding or estate, the product of the harvest which he has obtained by planting on the said holding or estate a protected variety.

#### Article 45

Final decisions handed down by the administrative bodies created by Law No. 20.247 and by this Decree shall be subject to appeal before the Federal Courts of Administrative Litigation together with consequential decisions involving ownership of varieties which in the field of private law can result from the breach of other legal rules.

#### Article 46

The "restricted public use" declaration shall be published in the Official Gazette and in one specialized publication, which latter shall request submissions from interested third parties, together with the minimum technical and economic guarantees and any other requirements that have to be met by such applicants.

Article 47

Any exploitation under "restricted public use" provisions shall be registered by the implementing authority.

Interested third parties shall be registered by the same authority, with an indication of name and address, and of the locality and area of the exploitation to be undertaken and information on compliance with the technical and economic guarantees imposed.

Article 48

The implementing authority shall undertake the verification of the existence of original seed of the "restricted public use" variety in the exploitation thereof by licensed third parties. Any surplus planting material shall be returned to the owner of the variety on expiry of the period for which "restricted public use" has been declared.

Article 49

The names of varieties that become public property shall have the same character, even where they have also been registered as trademarks.

Article 50

The fees and fines provided for in Chapters VI and VII of Law No. 20.247 as amended shall be paid to the implementing authority.

## CHAPTER IX

TRANSITIONAL PROVISIONSArticle 51

This Decree shall enter into force on the day following its publication in the Official Gazette.

Article 52

Decree No. 50 of January 17, 1989, shall be repealed on the coming into force of this Decree.

Article 53

This Decree is to be communicated, published, conveyed to the National Directorate of Official Registration and placed on record.

資料8. Act of 1991 International Convention for the Protection of New Varieties  
of Plants

1991-03-19

**ACT OF 1991**

**INTERNATIONAL CONVENTION FOR THE PROTECTION**

**OF NEW VARIETIES OF PLANTS**

**of December 2, 1961**

**as Revised at Geneva on November 10, 1972,**

**on October 23, 1978, and on March 19, 1991**

**ACT OF 1991**  
**INTERNATIONAL CONVENTION**  
**FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

of December 2, 1961,  
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## **CHAPTER I**

### **DEFINITIONS**

#### **Article 1**

##### **Definitions**

For the purposes of this Act:

(i) “this Convention” means the present (1991) Act of the International Convention for the Protection of New Varieties of Plants;

(ii) “Act of 1961/1972” means the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as amended by the Additional Act of November 10, 1972;

(iii) “Act of 1978” means the Act of October 23, 1978, of the International Convention for the Protection of New Varieties of Plants;

(iv) “breeder” means

- the person who bred, or discovered and developed, a variety,
- the person who is the employer of the aforementioned person or who has commissioned the latter’s work, where the laws of the relevant Contracting Party so provide, or
- the successor in title of the first or second aforementioned person, as the case may be;

(v) “breeder’s right” means the right of the breeder provided for in this Convention;

(vi) “variety” means a plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a breeder’s right are fully met, can be

- defined by the expression of the characteristics resulting from a given genotype or combination of genotypes,
- distinguished from any other plant grouping by the expression of at least one of the said characteristics and
- considered as a unit with regard to its suitability for being propagated unchanged;

(vii) “Contracting Party” means a State or an intergovernmental organization party to this Convention;

(viii) “territory,” in relation to a Contracting Party, means, where the Contracting Party is a State, the territory of that State and, where the Contracting Party is an intergovernmental

organization, the territory in which the constituting treaty of that intergovernmental organization applies;

(ix) "authority" means the authority referred to in Article 30(1)(ii);

(x) "Union" means the Union for the Protection of New Varieties of Plants founded by the Act of 1961 and further mentioned in the Act of 1972, the Act of 1978 and in this Convention;

(xi) "member of the Union" means a State party to the Act of 1961/1972 or the Act of 1978, or a Contracting Party.

## CHAPTER II

### GENERAL OBLIGATIONS OF THE CONTRACTING PARTIES

#### Article 2

##### Basic Obligation of the Contracting Parties

Each Contracting Party shall grant and protect breeders' rights.

#### Article 3

##### Genera and Species to be Protected

(1) [*States already members of the Union*] Each Contracting Party which is bound by the Act of 1961/1972 or the Act of 1978 shall apply the provisions of this Convention,

(i) at the date on which it becomes bound by this Convention, to all plant genera and species to which it applies, on the said date, the provisions of the Act of 1961/1972 or the Act of 1978 and,

(ii) at the latest by the expiration of a period of five years after the said date, to all plant genera and species.

(2) [*New members of the Union*] Each Contracting Party which is not bound by the Act of 1961/1972 or the Act of 1978 shall apply the provisions of this Convention,

(i) at the date on which it becomes bound by this Convention, to at least 15 plant genera or species and,

(ii) at the latest by the expiration of a period of 10 years from the said date, to all plant genera and species.



## Article 4

### National Treatment

(1) [*Treatment*] Without prejudice to the rights specified in this Convention, nationals of a Contracting Party as well as natural persons resident and legal entities having their registered offices within the territory of a Contracting Party shall, insofar as the grant and protection of breeders' rights are concerned, enjoy within the territory of each other Contracting Party the same treatment as is accorded or may hereafter be accorded by the laws of each such other Contracting Party to its own nationals, provided that the said nationals, natural persons or legal entities comply with the conditions and formalities imposed on the nationals of the said other Contracting Party.

(2) [*"Nationals"*] For the purposes of the preceding paragraph, "nationals" means, where the Contracting Party is a State, the nationals of that State and, where the Contracting Party is an intergovernmental organization, the nationals of the States which are members of that organization.

## CHAPTER III

### CONDITIONS FOR THE GRANT OF THE BREEDER'S RIGHT

## Article 5

### Conditions of Protection

- (1) [*Criteria to be satisfied*] The breeder's right shall be granted where the variety is
- (i) new,
  - (ii) distinct,
  - (iii) uniform and
  - (iv) stable.

(2) [*Other conditions*] The grant of the breeder's right shall not be subject to any further or different conditions, provided that the variety is designated by a denomination in accordance with the provisions of Article 20, that the applicant complies with the formalities provided for by the law of the Contracting Party with whose authority the application has been filed and that he pays the required fees.

## Article 6

### Novelty

(1) [*Criteria*] The variety shall be deemed to be new if, at the date of filing of the application for a breeder's right, propagating or harvested material of the variety has not been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety

(i) in the territory of the Contracting Party in which the application has been filed earlier than one year before that date and

(ii) in a territory other than that of the Contracting Party in which the application has been filed earlier than four years or, in the case of trees or of vines, earlier than six years before the said date.

(2) [*Varieties of recent creation*] Where a Contracting Party applies this Convention to a plant genus or species to which it did not previously apply this Convention or an earlier Act, it may consider a variety of recent creation existing at the date of such extension of protection to satisfy the condition of novelty defined in paragraph (1) even where the sale or disposal to others described in that paragraph took place earlier than the time limits defined in that paragraph.

(3) [*"Territory" in certain cases*] For the purposes of paragraph (1), all the Contracting Parties which are member States of one and the same intergovernmental organization may act jointly, where the regulations of that organization so require, to assimilate acts done on the territories of the States members of that organization to acts done on their own territories and, should they do so, shall notify the Secretary-General accordingly.

## Article 7

### Distinctness

The variety shall be deemed to be distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of the filing of the application. In particular, the filing of an application for the granting of a breeder's right or for the entering of another variety in an official register of varieties, in any country, shall be deemed to render that other variety a matter of common knowledge from the date of the application, provided that the application leads to the granting of a breeder's right or to the entering of the said other variety in the official register of varieties, as the case may be.

## Article 8

### Uniformity

The variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in its relevant characteristics.

## Article 9

### Stability

The variety shall be deemed to be stable if its relevant characteristics remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.

## CHAPTER IV

### APPLICATION FOR THE GRANT OF THE BREEDER'S RIGHT

## Article 10

### Filing of Applications

(1) [*Place of first application*] The breeder may choose the Contracting Party with whose authority he wishes to file his first application for a breeder's right.

(2) [*Time of subsequent applications*] The breeder may apply to the authorities of other Contracting Parties for the grant of breeders' rights without waiting for the grant to him of a breeder's right by the authority of the Contracting Party with which the first application was filed.

(3) [*Independence of protection*] No Contracting Party shall refuse to grant a breeder's right or limit its duration on the ground that protection for the same variety has not been applied for, has been refused or has expired in any other State or intergovernmental organization.

## Article 11

### Right of Priority

(1) [*The right; its period*] Any breeder who has duly filed an application for the protection of a variety in one of the Contracting Parties (the "first application") shall, for the purpose of filing an application for the grant of a breeder's right for the same variety with the

authority of any other Contracting Party (the "subsequent application"), enjoy a right of priority for a period of 12 months. This period shall be computed from the date of filing of the first application. The day of filing shall not be included in the latter period.

(2) [*Claiming the right*] In order to benefit from the right of priority, the breeder shall, in the subsequent application, claim the priority of the first application. The authority with which the subsequent application has been filed may require the breeder to furnish, within a period of not less than three months from the filing date of the subsequent application, a copy of the documents which constitute the first application, certified to be a true copy by the authority with which that application was filed, and samples or other evidence that the variety which is the subject matter of both applications is the same.

(3) [*Documents and material*] The breeder shall be allowed a period of two years after the expiration of the period of priority or, where the first application is rejected or withdrawn, an appropriate time after such rejection or withdrawal, in which to furnish, to the authority of the Contracting Party with which he has filed the subsequent application, any necessary information, document or material required for the purpose of the examination under Article 12, as required by the laws of that Contracting Party.

(4) [*Events occurring during the period*] Events occurring within the period provided for in paragraph (1), such as the filing of another application or the publication or use of the variety that is the subject of the first application, shall not constitute a ground for rejecting the subsequent application. Such events shall also not give rise to any third-party right.

## Article 12

### Examination of the Application

Any decision to grant a breeder's right shall require an examination for compliance with the conditions under Articles 5 to 9. In the course of the examination, the authority may grow the variety or carry out other necessary tests, cause the growing of the variety or the carrying out of other necessary tests, or take into account the results of growing tests or other trials which have already been carried out. For the purposes of examination, the authority may require the breeder to furnish all the necessary information, documents or material.

## Article 13

### Provisional Protection

Each Contracting Party shall provide measures designed to safeguard the interests of the breeder during the period between the filing or the publication of the application for the grant of a breeder's right and the grant of that right. Such measures shall have the effect that the holder of a breeder's right shall at least be entitled to equitable remuneration from any person who, during the said period, has carried out acts which, once the right is granted, require the breeder's authorization as provided in Article 14. A Contracting Party may

provide that the said measures shall only take effect in relation to persons whom the breeder has notified of the filing of the application.

## CHAPTER V

### THE RIGHTS OF THE BREEDER

#### Article 14

##### Scope of the Breeder's Right

(1) [*Acts in respect of the propagating material*] (a) Subject to Articles 15 and 16, the following acts in respect of the propagating material of the protected variety shall require the authorization of the breeder:

- (i) production or reproduction (multiplication),
- (ii) conditioning for the purpose of propagation,
- (iii) offering for sale,
- (iv) selling or other marketing,
- (v) exporting,
- (vi) importing,
- (vii) stocking for any of the purposes mentioned in (i) to (vi), above.

(b) The breeder may make his authorization subject to conditions and limitations.

(2) [*Acts in respect of the harvested material*] Subject to Articles 15 and 16, the acts referred to in items (i) to (vii) of paragraph (1)(a) in respect of harvested material, including entire plants and parts of plants, obtained through the unauthorized use of propagating material of the protected variety shall require the authorization of the breeder, unless the breeder has had reasonable opportunity to exercise his right in relation to the said propagating material.

(3) [*Acts in respect of certain products*] Each Contracting Party may provide that, subject to Articles 15 and 16, the acts referred to in items (i) to (vii) of paragraph (1)(a) in respect of products made directly from harvested material of the protected variety falling within the provisions of paragraph (2) through the unauthorized use of the said harvested material shall require the authorization of the breeder, unless the breeder has had reasonable opportunity to exercise his right in relation to the said harvested material.

(4) [*Possible additional acts*] Each Contracting Party may provide that, subject to Articles 15 and 16, acts other than those referred to in items (i) to (vii) of paragraph (1)(a) shall also require the authorization of the breeder.

(5) [*Essentially derived and certain other varieties*] (a) The provisions of paragraphs (1) to (4) shall also apply in relation to

(i) varieties which are essentially derived from the protected variety, where the protected variety is not itself an essentially derived variety,

(ii) varieties which are not clearly distinguishable in accordance with Article 7 from the protected variety and

(iii) varieties whose production requires the repeated use of the protected variety.

(b) For the purposes of subparagraph (a)(i), a variety shall be deemed to be essentially derived from another variety ("the initial variety") when

(i) it is predominantly derived from the initial variety, or from a variety that is itself predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety,

(ii) it is clearly distinguishable from the initial variety and

(iii) except for the differences which result from the act of derivation, it conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

(c) Essentially derived varieties may be obtained for example by the selection of a natural or induced mutant, or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, or transformation by genetic engineering.

## Article 15

### Exceptions to the Breeder's Right

(1) [*Compulsory exceptions*] The breeder's right shall not extend to

(i) acts done privately and for non-commercial purposes,

(ii) acts done for experimental purposes and

(iii) acts done for the purpose of breeding other varieties, and, except where the provisions of Article 14(5) apply, acts referred to in Article 14(1) to (4) in respect of such other varieties.

(2) [*Optional exception*] Notwithstanding Article 14, each Contracting Party may, within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder, restrict the breeder's right in relation to any variety in order to permit farmers to use for propagating purposes, on their own holdings, the product of the harvest which they have obtained by planting, on their own holdings, the protected variety or a variety covered by Article 14(5)(a)(i) or (ii).

## Article 16

### Exhaustion of the Breeder's Right

(1) [*Exhaustion of right*] The breeder's right shall not extend to acts concerning any material of the protected variety, or of a variety covered by the provisions of Article 14(5), which has been sold or otherwise marketed by the breeder or with his consent in the territory of the Contracting Party concerned, or any material derived from the said material, unless such acts

(i) involve further propagation of the variety in question or

(ii) involve an export of material of the variety, which enables the propagation of the variety, into a country which does not protect varieties of the plant genus or species to which the variety belongs, except where the exported material is for final consumption purposes.

(2) [*Meaning of "material"*] For the purposes of paragraph (1), "material" means, in relation to a variety,

(i) propagating material of any kind,

(ii) harvested material, including entire plants and parts of plants, and

(iii) any product made directly from the harvested material.

(3) [*"Territory" in certain cases*] For the purposes of paragraph (1), all the Contracting Parties which are member States of one and the same intergovernmental organization may act jointly, where the regulations of that organization so require, to assimilate acts done on the territories of the States members of that organization to acts done on their own territories and, should they do so, shall notify the Secretary-General accordingly.

## Article 17

### Restrictions on the Exercise of the Breeder's Right

(1) [*Public interest*] Except where expressly provided in this Convention, no Contracting Party may restrict the free exercise of a breeder's right for reasons other than of public interest.

(2) [*Equitable remuneration*] When any such restriction has the effect of authorizing a third party to perform any act for which the breeder's authorization is required, the Contracting Party concerned shall take all measures necessary to ensure that the breeder receives equitable remuneration.

## Article 18

### Measures Regulating Commerce

The breeder's right shall be independent of any measure taken by a Contracting Party to regulate within its territory the production, certification and marketing of material of varieties or the importing or exporting of such material. In any case, such measures shall not affect the application of the provisions of this Convention.

## Article 19

### Duration of the Breeder's Right

(1) [*Period of protection*] The breeder's right shall be granted for a fixed period.

(2) [*Minimum period*] The said period shall not be shorter than 20 years from the date of the grant of the breeder's right. For trees and vines, the said period shall not be shorter than 25 years from the said date.

## CHAPTER VI

### VARIETY DENOMINATION

## Article 20

### Variety Denomination

(1) [*Designation of varieties by denominations; use of the denomination*] (a) The variety shall be designated by a denomination which will be its generic designation.

(b) Each Contracting Party shall ensure that, subject to paragraph (4), no rights in the designation registered as the denomination of the variety shall hamper the free use of the denomination in connection with the variety, even after the expiration of the breeder's right.

(2) [*Characteristics of the denomination*] The denomination must enable the variety to be identified. It may not consist solely of figures except where this is an established practice for designating varieties. It must not be liable to mislead or to cause confusion concerning the characteristics, value or identity of the variety or the identity of the breeder. In particular, it must be different from every denomination which designates, in the territory of any Contracting Party, an existing variety of the same plant species or of a closely related species.

(3) [*Registration of the denomination*] The denomination of the variety shall be submitted by the breeder to the authority. If it is found that the denomination does not satisfy the requirements of paragraph (2), the authority shall refuse to register it and shall require the



breeder to propose another denomination within a prescribed period. The denomination shall be registered by the authority at the same time as the breeder's right is granted.

(4) [*Prior rights of third persons*] Prior rights of third persons shall not be affected. If, by reason of a prior right, the use of the denomination of a variety is forbidden to a person who, in accordance with the provisions of paragraph (7), is obliged to use it, the authority shall require the breeder to submit another denomination for the variety.

(5) [*Same denomination in all Contracting Parties*] A variety must be submitted to all Contracting Parties under the same denomination. The authority of each Contracting Party shall register the denomination so submitted, unless it considers the denomination unsuitable within its territory. In the latter case, it shall require the breeder to submit another denomination.

(6) [*Information among the authorities of Contracting Parties*] The authority of a Contracting Party shall ensure that the authorities of all the other Contracting Parties are informed of matters concerning variety denominations, in particular the submission, registration and cancellation of denominations. Any authority may address its observations, if any, on the registration of a denomination to the authority which communicated that denomination.

(7) [*Obligation to use the denomination*] Any person who, within the territory of one of the Contracting Parties, offers for sale or markets propagating material of a variety protected within the said territory shall be obliged to use the denomination of that variety, even after the expiration of the breeder's right in that variety, except where, in accordance with the provisions of paragraph (4), prior rights prevent such use.

(8) [*Indications used in association with denominations*] When a variety is offered for sale or marketed, it shall be permitted to associate a trademark, trade name or other similar indication with a registered variety denomination. If such an indication is so associated, the denomination must nevertheless be easily recognizable.

## CHAPTER VII

### NULLITY AND CANCELLATION OF THE BREEDER'S RIGHT

#### Article 21

##### Nullity of the Breeder's Right

(1) [*Reasons of nullity*] Each Contracting Party shall declare a breeder's right granted by it null and void when it is established

(i) that the conditions laid down in Articles 6 or 7 were not complied with at the time of the grant of the breeder's right,

(ii) that, where the grant of the breeder's right has been essentially based upon information and documents furnished by the breeder, the conditions laid down in Articles 8 or 9 were not complied with at the time of the grant of the breeder's right, or

(iii) that the breeder's right has been granted to a person who is not entitled to it, unless it is transferred to the person who is so entitled.

(2) [*Exclusion of other reasons*] No breeder's right shall be declared null and void for reasons other than those referred to in paragraph (1).

## Article 22

### Cancellation of the Breeder's Right

(1) [*Reasons for cancellation*] (a) Each Contracting Party may cancel a breeder's right granted by it if it is established that the conditions laid down in Articles 8 or 9 are no longer fulfilled.

(b) Furthermore, each Contracting Party may cancel a breeder's right granted by it if, after being requested to do so and within a prescribed period,

(i) the breeder does not provide the authority with the information, documents or material deemed necessary for verifying the maintenance of the variety,

(ii) the breeder fails to pay such fees as may be payable to keep his right in force, or

(iii) the breeder does not propose, where the denomination of the variety is cancelled after the grant of the right, another suitable denomination.

(2) [*Exclusion of other reasons*] No breeder's right shall be cancelled for reasons other than those referred to in paragraph (1).

## CHAPTER VIII

### THE UNION

#### Article 23

##### Members

The Contracting Parties shall be members of the Union.

## Article 24

### Legal Status and Seat

- (1) [*Legal personality*] The Union has legal personality.
- (2) [*Legal capacity*] The Union enjoys on the territory of each Contracting Party, in conformity with the laws applicable in the said territory, such legal capacity as may be necessary for the fulfillment of the objectives of the Union and for the exercise of its functions.
- (3) [*Seat*] The seat of the Union and its permanent organs are at Geneva.
- (4) [*Headquarters agreement*] The Union has a headquarters agreement with the Swiss Confederation.

## Article 25

### Organs

The permanent organs of the Union are the Council and the Office of the Union.

## Article 26

### The Council

- (1) [*Composition*] The Council shall consist of the representatives of the members of the Union. Each member of the Union shall appoint one representative to the Council and one alternate. Representatives or alternates may be accompanied by assistants or advisers.
- (2) [*Officers*] The Council shall elect a President and a first Vice-President from among its members. It may elect other Vice-Presidents. The first Vice-President shall take the place of the President if the latter is unable to officiate. The President shall hold office for three years.
- (3) [*Sessions*] The Council shall meet upon convocation by its President. An ordinary session of the Council shall be held annually. In addition, the President may convene the Council at his discretion; he shall convene it, within a period of three months, if one-third of the members of the Union so request.
- (4) [*Observers*] States not members of the Union may be invited as observers to meetings of the Council. Other observers, as well as experts, may also be invited to such meetings.
- (5) [*Tasks*] The tasks of the Council shall be to:

(i) study appropriate measures to safeguard the interests and to encourage the development of the Union;

(ii) establish its rules of procedure;

(iii) appoint the Secretary-General and, if it finds it necessary, a Vice Secretary-General and determine the terms of appointment of each;

(iv) examine an annual report on the activities of the Union and lay down the program for its future work;

(v) give to the Secretary-General all necessary directions for the accomplishment of the tasks of the Union;

(vi) establish the administrative and financial regulations of the Union;

(vii) examine and approve the budget of the Union and fix the contribution of each member of the Union;

(viii) examine and approve the accounts presented by the Secretary-General;

(ix) fix the date and place of the conferences referred to in Article 38 and take the measures necessary for their preparation; and

(x) in general, take all necessary decisions to ensure the efficient functioning of the Union.

(6) [*Votes*] (a) Each member of the Union that is a State shall have one vote in the Council.

(b) Any Contracting Party that is an intergovernmental organization may, in matters within its competence, exercise the rights to vote of its member States that are members of the Union. Such an intergovernmental organization shall not exercise the rights to vote of its member States if its member States exercise their right to vote, and vice versa.

(7) [*Majorities*] Any decision of the Council shall require a simple majority of the votes cast, provided that any decision of the Council under paragraphs (5)(ii), (vi) and (vii), and under Articles 28(3), 29(5)(b) and 38(1) shall require three-fourths of the votes cast. Abstentions shall not be considered as votes.

## Article 27

### The Office of the Union

(1) [*Tasks and direction of the Office*] The Office of the Union shall carry out all the duties and tasks entrusted to it by the Council. It shall be under the direction of the Secretary-General.

(2) [*Duties of the Secretary-General*] The Secretary-General shall be responsible to the Council; he shall be responsible for carrying out the decisions of the Council. He shall submit the budget of the Union for the approval of the Council and shall be responsible for its implementation. He shall make reports to the Council on his administration and the activities and financial position of the Union.

(3) [*Staff*] Subject to the provisions of Article 26(5)(iii), the conditions of appointment and employment of the staff necessary for the efficient performance of the tasks of the Office of the Union shall be fixed in the administrative and financial regulations.

## Article 28

### Languages

(1) [*Languages of the Office*] The English, French, German and Spanish languages shall be used by the Office of the Union in carrying out its duties.

(2) [*Languages in certain meetings*] Meetings of the Council and of revision conferences shall be held in the four languages.

(3) [*Further languages*] The Council may decide that further languages shall be used.

## Article 29

### Finances

(1) [*Income*] The expenses of the Union shall be met from

- (i) the annual contributions of the States members of the Union,
- (ii) payments received for services rendered,
- (iii) miscellaneous receipts.

(2) [*Contributions: units*] (a) The share of each State member of the Union in the total amount of the annual contributions shall be determined by reference to the total expenditure to be met from the contributions of the States members of the Union and to the number of contribution units applicable to it under paragraph (3). The said share shall be computed according to paragraph (4).

(b) The number of contribution units shall be expressed in whole numbers or fractions thereof, provided that no fraction shall be smaller than one-fifth.

(3) [*Contributions: share of each member*] (a) The number of contribution units applicable to any member of the Union which is party to the Act of 1961/1972 or the Act of

1978 on the date on which it becomes bound by this Convention shall be the same as the number applicable to it immediately before the said date.

(b) Any other State member of the Union shall, on joining the Union, indicate, in a declaration addressed to the Secretary-General, the number of contribution units applicable to it.

(c) Any State member of the Union may, at any time, indicate, in a declaration addressed to the Secretary-General, a number of contribution units different from the number applicable to it under subparagraph (a) or (b). Such declaration, if made during the first six months of a calendar year, shall take effect from the beginning of the subsequent calendar year; otherwise, it shall take effect from the beginning of the second calendar year which follows the year in which the declaration was made.

(4) [*Contributions: computation of shares*] (a) For each budgetary period, the amount corresponding to one contribution unit shall be obtained by dividing the total amount of the expenditure to be met in that period from the contributions of the States members of the Union by the total number of units applicable to those States members of the Union.

(b) The amount of the contribution of each State member of the Union shall be obtained by multiplying the amount corresponding to one contribution unit by the number of contribution units applicable to that State member of the Union.

(5) [*Arrears in contributions*] (a) A State member of the Union which is in arrears in the payment of its contributions may not, subject to subparagraph (b), exercise its right to vote in the Council if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding full year. The suspension of the right to vote shall not relieve such State member of the Union of its obligations under this Convention and shall not deprive it of any other rights thereunder.

(b) The Council may allow the said State member of the Union to continue to exercise its right to vote if, and as long as, the Council is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(6) [*Auditing of the accounts*] The auditing of the accounts of the Union shall be effected by a State member of the Union as provided in the administrative and financial regulations. Such State member of the Union shall be designated, with its agreement, by the Council.

(7) [*Contributions of intergovernmental organizations*] Any Contracting Party which is an intergovernmental organization shall not be obliged to pay contributions. If, nevertheless, it chooses to pay contributions, the provisions of paragraphs (1) to (4) shall be applied accordingly.

## CHAPTER IX

### IMPLEMENTATION OF THE CONVENTION; OTHER AGREEMENTS

#### Article 30

##### Implementation of the Convention

(1) [*Measures of implementation*] Each Contracting Party shall adopt all measures necessary for the implementation of this Convention; in particular, it shall:

(i) provide for appropriate legal remedies for the effective enforcement of breeders' rights;

(ii) maintain an authority entrusted with the task of granting breeders' rights or entrust the said task to an authority maintained by another Contracting Party;

(iii) ensure that the public is informed through the regular publication of information concerning

- applications for and grants of breeders' rights, and
- proposed and approved denominations.

(2) [*Conformity of laws*] It shall be understood that, on depositing its instrument of ratification, acceptance, approval or accession, as the case may be, each State or intergovernmental organization must be in a position, under its laws, to give effect to the provisions of this Convention.

#### Article 31

##### Relations Between Contracting Parties and States Bound by Earlier Acts

(1) [*Relations between States bound by this Convention*] Between States members of the Union which are bound both by this Convention and any earlier Act of the Convention, only this Convention shall apply.

(2) [*Possible relations with States not bound by this Convention*] Any State member of the Union not bound by this Convention may declare, in a notification addressed to the Secretary-General, that, in its relations with each member of the Union bound only by this Convention, it will apply the latest Act by which it is bound. As from the expiration of one month after the date of such notification and until the State member of the Union making the declaration becomes bound by this Convention, the said member of the Union shall apply the latest Act by which it is bound in its relations with each of the members of the Union bound only by this Convention, whereas the latter shall apply this Convention in respect of the former.

## Article 32

### Special Agreements

Members of the Union reserve the right to conclude among themselves special agreements for the protection of varieties, insofar as such agreements do not contravene the provisions of this Convention.

## CHAPTER X

### FINAL PROVISIONS

## Article 33

### Signature

This Convention shall be open for signature by any State which is a member of the Union at the date of its adoption. It shall remain open for signature until March 31, 1992.

## Article 34

### Ratification, Acceptance or Approval; Accession

(1) [*States and certain intergovernmental organizations*] (a) Any State may, as provided in this Article, become party to this Convention.

(b) Any intergovernmental organization may, as provided in this Article, become party to this Convention if it

(i) has competence in respect of matters governed by this Convention,

(ii) has its own legislation providing for the grant and protection of breeders' rights binding on all its member States and

(iii) has been duly authorized, in accordance with its internal procedures, to accede to this Convention.

(2) [*Instrument of adherence*] Any State which has signed this Convention shall become party to this Convention by depositing an instrument of ratification, acceptance or approval of this Convention. Any State which has not signed this Convention and any intergovernmental organization shall become party to this Convention by depositing an instrument of accession to this Convention. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General.



(3) [*Advice of the Council*] Any State which is not a member of the Union and any intergovernmental organization shall, before depositing its instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Convention. If the decision embodying the advice is positive, the instrument of accession may be deposited.

## Article 35

### Reservations

(1) [*Principle*] Subject to paragraph (2), no reservations to this Convention are permitted.

(2) [*Possible exception*] (a) Notwithstanding the provisions of Article 3(1), any State which, at the time of becoming party to this Convention, is a party to the Act of 1978 and which, as far as varieties reproduced asexually are concerned, provides for protection by an industrial property title other than a breeder's right shall have the right to continue to do so without applying this Convention to those varieties.

(b) Any State making use of the said right shall, at the time of depositing its instrument of ratification, acceptance, approval or accession, as the case may be, notify the Secretary-General accordingly. The same State may, at any time, withdraw the said notification.

## Article 36

### Communications Concerning Legislation and the Genera and Species Protected; Information to be Published

(1) [*Initial notification*] When depositing its instrument of ratification, acceptance or approval of or accession to this Convention, as the case may be, any State or intergovernmental organization shall notify the Secretary-General of

(i) its legislation governing breeder's rights and

(ii) the list of plant genera and species to which, on the date on which it will become bound by this Convention, it will apply the provisions of this Convention.

(2) [*Notification of changes*] Each Contracting Party shall promptly notify the Secretary-General of

(i) any changes in its legislation governing breeders' rights and

(ii) any extension of the application of this Convention to additional plant genera and species.

(3) [*Publication of the information*] The Secretary-General shall, on the basis of communications received from each Contracting Party concerned, publish information on

- (i) the legislation governing breeders' rights and any changes in that legislation, and
- (ii) the list of plant genera and species referred to in paragraph (1)(ii) and any extension referred to in paragraph (2)(ii).

## Article 37

### Entry into Force; Closing of Earlier Acts

(1) [*Initial entry into force*] This Convention shall enter into force one month after five States have deposited their instruments of ratification, acceptance, approval or accession, as the case may be, provided that at least three of the said instruments have been deposited by States party to the Act of 1961/1972 or the Act of 1978.

(2) [*Subsequent entry into force*] Any State not covered by paragraph (1) or any intergovernmental organization shall become bound by this Convention one month after the date on which it has deposited its instrument of ratification, acceptance, approval or accession, as the case may be.

(3) [*Closing of the 1978 Act*] No instrument of accession to the Act of 1978 may be deposited after the entry into force of this Convention according to paragraph (1), except that any State that, in conformity with the established practice of the General Assembly of the United Nations, is regarded as a developing country may deposit such an instrument until December 31, 1995, and that any other State may deposit such an instrument until December 31, 1993, even if this Convention enters into force before that date.

## Article 38

### Revision of the Convention

(1) [*Conference*] This Convention may be revised by a conference of the members of the Union. The convocation of such conference shall be decided by the Council.

(2) [*Quorum and majority*] The proceedings of a conference shall be effective only if at least half of the States members of the Union are represented at it. A majority of three-quarters of the States members of the Union present and voting at the conference shall be required for the adoption of any revision.

## Article 39

### Denunciation

(1) [*Notifications*] Any Contracting Party may denounce this Convention by notification addressed to the Secretary-General. The Secretary-General shall promptly notify all members of the Union of the receipt of that notification.

(2) [*Earlier Acts*] Notification of the denunciation of this Convention shall be deemed also to constitute notification of the denunciation of any earlier Act by which the Contracting Party denouncing this Convention is bound.

(3) [*Effective date*] The denunciation shall take effect at the end of the calendar year following the year in which the notification was received by the Secretary-General.

(4) [*Acquired rights*] The denunciation shall not affect any rights acquired in a variety by reason of this Convention or any earlier Act prior to the date on which the denunciation becomes effective.

## Article 40

### Preservation of Existing Rights

This Convention shall not limit existing breeders' rights under the laws of Contracting Parties or by reason of any earlier Act or any agreement other than this Convention concluded between members of the Union.

## Article 41

### Original and Official Texts of the Convention

(1) [*Original*] This Convention shall be signed in a single original in the English, French and German languages, the French text prevailing in case of any discrepancy among the various texts. The original shall be deposited with the Secretary-General.

(2) [*Official texts*] The Secretary-General shall, after consultation with the interested Governments, establish official texts of this Convention in the Arabic, Dutch, Italian, Japanese and Spanish languages and such other languages as the Council may designate.

## Article 42

### Depositary Functions

(1) [*Transmittal of copies*] The Secretary-General shall transmit certified copies of this Convention to all States and intergovernmental organizations which were represented in the Diplomatic Conference that adopted this Convention and, on request, to any other State or intergovernmental organization.

(2) [*Registration*] The Secretary-General shall register this Convention with the Secretariat of the United Nations.

### **Resolution on Article 14(5)**

The Diplomatic Conference for the Revision of the International Convention for the Protection of New Varieties of Plants held from March 4 to 19, 1991, requests the Secretary-General of UPOV to start work immediately after the Conference on the establishment of draft standard guidelines, for adoption by the Council of UPOV, on essentially derived varieties.

### **Recommendation Relating to Article 15(2)**

The Diplomatic Conference recommends that the provisions laid down in Article 15(2) of the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991, should not be read so as to be intended to open the possibility of extending the practice commonly called "farmer's privilege" to sectors of agricultural or horticultural production in which such a privilege is not a common practice on the territory of the Contracting Party concerned.

### **Common Statement Relating to Article 34**

The Diplomatic Conference noted and accepted a declaration by the Delegation of Denmark and a declaration by the Delegation of the Netherlands according to which the Convention adopted by the Diplomatic Conference will not, upon its ratification, acceptance, approval or accession by Denmark or the Netherlands, be automatically applicable, in the case of Denmark, in Greenland and the Faroe Islands and, in the case of the Netherlands, in Aruba and the Netherlands Antilles. The said Convention will only apply in the said territories if and when Denmark or the Netherlands, as the case may be, expressly so notifies the Secretary-General.