

# Phytosanitary matters that prevent or delay submission of plant material

Yoshiyuki Ohno

Senior Examiner

Plant Variety Protection Office, Intellectual Property Division  
Export and International Affairs Bureau, MAFF of Japan



# Phytosanitary matters that prevent or delay submission of plant material

1. Case-Study Focusing on Foreign Application
2. Example of condition of quarantine
3. Surrounding circumstances for DUS examination
4. Identified Issues and Conclusion

# 1. Case-Study Focusing on Foreign Applications

## Case 1

Delay in import of plant material for fruit tree propagation from Country A due to legal representative issues preparing the import application.

Year	Progress
2012	<ul style="list-style-type: none"><li>• Application filed from foreign country A through initially legal representative in Japan.</li></ul>
2016	<ul style="list-style-type: none"><li>• It became apparent that initially legal representative in Japan has not enough specialized skill to import plant material with phytosanitary inspection for DUS preparation.</li><li>• Due to various circumstances by applicant, it was needed to change secondly legal representative in Japan.</li></ul>
2017	<ul style="list-style-type: none"><li>• New secondly legal representative in Japan was assigned and started to import plant material with Post-entry quarantine inspection for DUS examination arrangement.</li></ul>
2019	<ul style="list-style-type: none"><li>• The Post-entry quarantine inspection was finished by Plant Protection Station.</li></ul>
2020	<ul style="list-style-type: none"><li>• Propagation of application plant material and obtained plant material of similar variety by secondly legal representative in Japan.</li><li>• Started setting up DUS On-Site Examination field.</li></ul>
2026 or after	<ul style="list-style-type: none"><li>• DUS examination will be done.</li></ul>

[Depending on capability of legal representative to import plant material with quarantine inspection.](#)

## Case 2

### Import prohibition on plant material for fruit trees propagation

Year	Progress
2016	<ul style="list-style-type: none"><li>• Application filed from country B.</li><li>• Plant Protection Station had prohibited importing fruit trees plant material from country B.</li></ul>
no prospect	<ul style="list-style-type: none"><li>• Waiting for importing plant material for DUS examination.</li></ul>

There is no solution for DUS examination for application from country B.

It makes us wonder;

- How do **we** make solution if import prohibition will be continued eternally?
- How do **breeders** exercise plant breeders' rights for plants prohibited to import in Japan?
- How do **breeders** make economic activities in the market for plants prohibited to import in Japan?

Time will heal everything?

# Different Phytosanitary Conditions at same crop by country

Results of database search on conditions for importing plants into Japan  
**Plant Protection Station, Ministry of Agriculture, Forestry and Fisheries  
 Japanese Government**

This information is the plant quarantine requirements when importing plants from overseas into Japan.

Search conditions				
Originating country : <b>Country A</b> <input type="text"/>				
Importing plant : Apple( <i>Malus</i> ) graft				
Result				
Requiring specific phytosanitary measures in the exporting country(Phytosanitary Certificate must be submitted) : 1 found				
English name	Family	Scientific name	Pest	Remarks
Apple	ROSACEAE	<i>Malus</i>	<i>Eutypa lata</i>	See below
Requiring post-entry quarantine in Japan(Phytosanitary Certificate must be submitted) : 1 found				
English name	Family	Scientific name	Remarks	
Apple	ROSACEAE	<i>Malus</i>		



Country A is required;

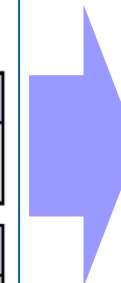
- Inspection (including specific phytosanitary measures) by export Country A before export to Japan and,
- Post-entry quarantine will be done by Japan before open to the DUS examination field trial.



Results of database search on conditions for importing plants into Japan  
**Plant Protection Station, Ministry of Agriculture, Forestry and Fisheries  
 Japanese Government**

This information is the plant quarantine requirements when importing plants from overseas into Japan.

Search conditions				
Originating country : <b>Country B</b> <input type="text"/>				
Importing plant : Apple( <i>Malus</i> ) graft				
Result				
Prohibited : 1 found				
English name	Family	Scientific name	Pest	Remarks
Apple	ROSACEAE	<i>Malus</i>	Fire blight ( <i>Erwinia amylovora</i> )	



Country B is **prohibited** exporting apple graft to Japan.



# 2. Example of condition of quarantine

## Plants required Post-entry quarantine inspection (including in vitro) in Japan

Type of plant material	Plant genera or species
(1) Plant materials or cuttings for fruit trees (including plants used as fruit tree rootstocks).	<i>Fragaria</i> L. (Strawberry), <i>Poncirus</i> Raf. ( <i>Pseudaegle</i> Mig.) (Trifoliolate orange), <i>Rubus</i> L. (Raspberry, Blackberry), <i>Citrus japonica</i> Thunb. (Kumquat), <i>Castanea</i> Mill. (Chestnut), <i>Juglans</i> L. (Walnut), <i>Vaccinium</i> L. (Blueberry), <i>Prunus</i> L. (Almond, Plum, Apricot, Cherry), <i>Ribes</i> L. (Blackcurrant), <i>Pyrus</i> L. (Pear), <i>Vitis</i> L. (Grapevine), <i>Citrus</i> L. (Orange, Grapefruit, Pomelo, Lemon), <i>Myrica</i> L. (Yumberry), <i>Malus</i> (Tour) Mill. (Flowering crabapple, Apple),
(2) Plant material including cuttings	<i>Ananas comosus</i> (L.) Merr. (Pineapple)
(3) Fresh tuberous roots, Fresh tubers	<i>Ipomoea batatas</i> Lam. (sweet potato), <i>Solanum tuberosum</i> L. (Potato)
(4) Fresh stems, leaves and their underground parts	<i>Saccharum officinarum</i> L., <i>S. barberi</i> Jeswiet, <i>S. sinense</i> Roxb. and their hybrids (sugar cane)
(5) Bulbs including unexpanded leaf buds	<i>Iris</i> L., <i>Anemone</i> L., <i>Amaryllis</i> L. (Belladonna lily), <i>Allium aflatunense</i> , <i>A. albopilosum</i> (= <i>A. christophii</i> ), <i>A. cowanii</i> (= <i>A. neapolitanum</i> ), <i>A. cyaneum</i> , <i>A. flavum</i> , <i>A. giganteum</i> , <i>A. heldreichii</i> , <i>A. karataviense</i> , <i>A. moly</i> , <i>A. narcissiflorum</i> , <i>A. ostrowskianum</i> (= <i>A. oreophilum</i> ), <i>A. pulchellum</i> , <i>A. rosenbachianum</i> , <i>A. schoenoprasum</i> , <i>A. schubertii</i> , <i>A. serratum</i> , <i>A. ursinum</i> , <i>A. unifolium</i> , <i>A. victoralis</i> , <i>Galanthus</i> L., <i>Gladiolus</i> L., <i>Gloxinia</i> (L. Her.), <i>Crocus</i> L., <i>Sinningia</i> Nees, <i>Narcissus</i> L., <i>Dahlia</i> Cav., <i>Tulipa</i> spp. (Tulip), <i>Hyacinthus orientalis</i> L., <i>Hippeastrum</i> Herb., <i>Freesia</i> Klatt., <i>Begonia</i> ( <i>Begonia</i> L. except for begonias of the fibrous root species.), <i>Lilium</i> L. (Lilily), <i>Ranunculus</i> L.,

### [Exceptional Measures]

For experiment and research purposes, it is designated for display and storage as specimens in public facilities such as museums, zoos, botanical gardens, aquariums, etc., and for use as evidence in criminal investigations, and for the propagation of melon fly control in insect control institutions for the implementation of melon fly research control projects.

➤ [The examination of plant variety registrations does not fall under the category of research and development.](#)

### 3. Surrounding circumstances for DUS examination

#### I. Legal Concept

- JP-PBR system follows “First-to-File” Rule.

#### Plant Variety Protection and Seed Act

(First-to-File Rule)

Article 9 (1) If two or more applications for variety registration have been filed in relation to an identical variety or to varieties that are not clearly distinguishable from each other by the expression of their characteristics, only the applicant that filed the application for variety registration first is entitled to obtain registration.

## II. DUS Implementation

- DUS examination shall be conducted in the order of filed application.

### Rules for DUS examination

#### 4. Implementation of Examinations

##### 1 Order of Examination

In principle, the examination shall be conducted for each type of plant species in the order of filed application. However, this does not apply if the examination is suspended due to a request for materials to the applicant, an order for correction, weather disasters, etc.

We frequently face challenges that an earlier application couldn't start DUS examination because of import prohibition.

Meanwhile, a later application was forward for DUS examination ahead of the earlier application.

### III. National Test Guidelines

International harmonization is important for cooperation in DUS examination to make progress DUS examination and grant PBR speedy.

- Some plant species have strategic national and regional characteristics in addition to UPOV characteristics.
- Countries have different timing for the adoption and to reflect the revision of UPOV TGs in their National TGs which makes it hard to accept DUS reports.

# 4. Identified Issues and Conclusion

Issues	Feature	Resolving measure for DUS and PBR operations
<ul style="list-style-type: none"> <li>Possible to import</li> </ul>	<ul style="list-style-type: none"> <li>Submission of plant material <b><u>tends to be delayed</u></b> due to not sufficiently awareness of plant protection procedure.</li> </ul>	<ul style="list-style-type: none"> <li>To Instruct to the <b><u>applicant who need to have correct understanding of export and import plant material with procedure of export and import phytosanitary inspections.</u></b></li> </ul>
<ul style="list-style-type: none"> <li>Impossible to import</li> </ul>	<ul style="list-style-type: none"> <li>Submission of plant material to be <b><u>prevented.</u></b></li> <li><b><u>No real plants for DUS and PBR.</u></b></li> </ul>	<ul style="list-style-type: none"> <li>Waiting patiently for import permission.</li> <li>To seek possibility of international cooperation.</li> <li><b><u>No real plants to be considered no disputes.</u></b></li> </ul>
<ul style="list-style-type: none"> <li>First-to-File Rule</li> </ul>	<ul style="list-style-type: none"> <li><b><u>Unable to DUS examination in order of application.</u></b></li> </ul>	<ul style="list-style-type: none"> <li><b><u>Later application will be forwarded for DUS examination ahead of the earlier application</u></b> with careful verification to grant PBR.</li> </ul>
<ul style="list-style-type: none"> <li>Test Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>Some plant species have <b><u>strategic national and regional features added</u></b> in National TG.</li> <li>Different timing of revision of TG and some countries use different version when application filed at different timing.</li> </ul>	<ul style="list-style-type: none"> <li>Important to balance national strategy and international harmonization.</li> <li>To avoid the import problem, <b><u>rapid decision making of international cooperation is necessary, to avoid DUS stuck.</u></b></li> </ul>

**Thank you very much.**

**Yoshiyuki Ohno**

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