

重要品種の育成及びその種苗の生産の振興に関する法律の概要

～ 通称 気候変動等対応品種法 ～

背景

気候変動等による農業生産への悪影響が顕在化する中、我が国の食料の安定供給を確保するためには、産官学の連携の下、**高温耐性・耐病性、多収性等の形質を有する重要品種**を育成・普及させることが急務

(本法と併せて、**種苗法の改正**により、重要品種を始め品種の**育成者権の保護を強化**)

高温による影響



(トマトの裂果)



(空になった玉米粒)

法律の概要

1. 重要品種育成事業

- 国の基本方針に即して**産官学が重要品種の育成計画**を作成し、**農林水産大臣が認定** (第6条関係)
- 重要品種の効率的な育成を図るため、**先端的な研究設備の利用等に係る特例**を措置 (第9条関係)
- 育成された重要品種について、**品種登録出願を義務化** (第10条関係)

【認定のメリット措置】

- (国) **農研機構の研究施設・設備の供用等** (農研機構法の特例)
- 品種登録出願料等の減免** (種苗法の特例)

2. 重要品種種苗生産事業活動

- 国の**基本方針**を踏まえ、**都道府県が**、国と協議の上、**基本計画**を作成 (第12条関係)
- 都道府県の基本計画に即し、**種苗生産者が生産計画**を作成し、**知事が認定** (第16条関係)
- 重要品種の効率的な生産を図るため、**農地の利用調整等に係る特例**を措置 (第19条関係)

【認定のメリット措置】

- 種苗生産関係者**による**地域計画の協議の場への参加**の申出が可能 (農業経営基盤強化促進法の特例)
- 種苗生産者と周辺農業者で結んだ**栽培管理協定**の効力が協定農地の**継承者にも継続** (承継効・民法の特例)
- 計画内の農地について、**農用地区域内農地への編入手続の簡素化** (農振法の特例) 等

国の基本方針 (国が重要品種の育成・普及の旗振り役)

- 育成・普及すべき重要品種 (高温耐性・耐病性・多収性等) の考え方
- 品種育成・種苗生産の基本的な方向性 (ゲノム解析等の先端技術・実需者評価の活用、広域への普及)
- 育成した重要品種に関する知的財産の保護 等

認定 ↓ ↑ 申請

重要品種育成事業計画 (農研機構・都道府県・民間企業が 単独または共同で作成)

- 育成する新品種の性質
- 栽培予定地域
- 目標普及面積
- 実需者評価を導入する取組
- 品種登録出願の時期 等

新品種の情報を
国が都道府県に提供

同意 ↓ ↑ 協議

都道府県基本計画 (都道府県が作成)

- 育成された重要品種の生産、普及方針
- 種苗生産の実施区域 等

認定 ↓ ↑ 申請

重要品種種苗生産事業活動計画 (種苗生産者が単独又は共同で作成)

- 生産量
- 生産区域の規模、区域内の農地の集団化 等
- ※種苗生産者は、栽培管理協定を任意で作成

- 農研機構の研究施設・設備の供用等が可 等

- 品種登録出願の義務化
- 品種登録出願料等の減免

- 農地の集団化を目指す地域計画の協議の場への参加の申出が可能
- 栽培管理協定の効力は継承者にも継続
- 計画内の農用地区域外の農地の編入要請を可能とし、その際の編入手続を簡素化 等

施行期日

公布の日から起算して6月を超えない範囲内において政令で定める日

Outline of the Act on the Promotion of Breeding Important Varieties and Producing Their Propagating Materials

~ Commonly known as: Act on Varieties Adapted to Climate Change ~

Background

As the negative effects of climate change, etc. on agricultural production become increasingly evident, there is an urgent need to breed and disseminate **important varieties possessing traits such as high-temperature tolerance, disease resistance, and high yield, etc.** through industry-government-academia collaboration, in order to ensure a stable food supply in Japan.

Impact of higher temperatures



(Tomato cracking) (Empty rice husks)

(In addition to this act, the provisions of the **amended Plant Variety Protection and Seed Act** are to **strengthen the protection of the breeder's rights** for important varieties and other varieties.)

Outline of the Act

1. Operations for Breeding Important Varieties

- **Breeding plans for important varieties** are to be prepared by **the industry, government, and academic sectors** in accordance with the national government's basic policies, and then approved by the Minister of Agriculture, Forestry and Fisheries. (Related to Article 6)
- To breed important varieties more efficiently, **special provisions** are to be established **on the use of cutting-edge research equipment, etc.** (Related to Article 9)
- **Applications for variety registration are to become obligatory** for any important varieties bred. (Related to Article 10)

[Incentives for Obtaining Approval]

- (i) **Shared use of research facilities and equipment of the National Agriculture and Food Research Organization (NARO), etc.** (special provisions of the Act on the National Agriculture and Food Research Organization, Independent Administrative Agency)
- (ii) **Reduction of or exemption from application fees for variety registration, etc.** (special provisions of the Plant Variety Protection and Seed Act)

2. Operations Related to the Production of Propagating materials of Important Varieties

- Each **prefecture** prepares its own **basic plan**, upon consultation with the national government, based on the **basic policies** of the national government. (Related in Article 12)
- In accordance with the basic plan prepared by the prefecture, each **propagating material producer** formulates a **production plan**, which is then **approved by the prefectural governor**. (Related to Article 16)
- To make sure the production of important varieties is efficient, **special provisions are to be established for the use and coordination, etc. of agricultural land**. (Related to Article 19)

[Incentives for Obtaining Approval]

- (i) **Persons involved in the production of propagating materials** may request to **attend consultations for regional plans** (special provisions of the Act on Promotion of Improvement of Agricultural Management Foundation).
- (ii) The effect of a **cultivation management** reached between propagating material producers and neighboring farmers is **also succeeded to by the successor** of the agricultural land subject to that agreement (effects of succession: special provisions of the Civil Code).
- (iii) For agricultural land in the plan, the procedures for incorporating agricultural land located outside the agricultural land zone **into such a zone are simplified** (special provisions of Act on Establishment of Agricultural Promotion Regions) etc.

Basic Policies of the National Government

(National government to spearhead the breeding and dissemination of important varieties)

- The approach to important varieties to be bred and disseminated (high-temperature tolerance, disease resistance, and high yield, etc.)
- A basic direction for breeding varieties and producing propagating materials (utilizing cutting-edge technologies such as genome analyses, etc. and applying evaluations from end-users, disseminating across broad areas)
- Protecting intellectual property related to any important varieties bred etc.

Approval ↓ ↑ Application

Plan for Operations for Breeding Important Varieties

(prepared independently or jointly by NARO, the prefectures, and private companies)

- Traits of the new varieties to be bred
- Areas to be cultivated
- Targeted dissemination area
- Efforts to introduce evaluations from end-users
- Period for the submission of applications for variety registration etc.

Information on new varieties provided to the prefectures by the national government

Consent ↓ ↑ Consultation

Prefectural Basic Plans

(prepared by prefectures)

- Policies for producing and disseminating any important varieties bred
- Zones where propagating materials are to be produced etc.

Approval ↓ ↑ Application

Plans for Operations Related to the Production of Propagating materials of Important Varieties

(prepared independently or jointly by propagating material producers)

- Production volume
- Size of the production zones, consolidation of agricultural land within them etc.

*Propagating material producers may voluntarily establish cultivation management agreements

- Enabling shared use, etc. of NARO's research facilities and equipment etc.

- Applications for variety registration to become obligatory
- Reduction of or exemption from application fees for variety registration, etc.

- (i) Producers may request to participate in the consultations on regional plans aimed at consolidate agricultural land
- (ii) Effects of cultivation management agreements succeeded to by successors
- (iii) Allowing requests to incorporate agricultural land that is within a plan but outside the agricultural land zone, and simplifying the procedures for incorporating etc.

Effective Date

The day specified by Cabinet Order within a period not exceeding 6 months from the date of promulgation