

ORDER OF THE MINISTER FOR AGRICULTURE OF 24 JUNE 2000
ESTABLISHING THE LIST OF PLANTS ELIGIBLE FOR PROTECTION,
THE DATA AND METHOD OF ENTRY OF APPLICATIONS AND NEW PLANT VARIETY
CERTIFICATES IN THE NATIONAL LIST OF NEW PLANT VARIETIES

CHAPTER I

Applications for Protection

Article 1

Applications for protection of new plant varieties shall be filed by the breeder, his representative or his successor in title directly with the Directorate General of Plant Production at the Ministry of Agriculture or addressed to it by registered mail with acknowledgement of receipt.

Article 2

Applications for protection shall include the following elements:

- the duly completed forms as provided by the competent authority
- a description of the method by which the plant variety has been bred or discovered
- a detailed description of the plant variety mentioning the characteristics that enable it to be distinguished from varieties already known
- a sworn statement confirming, in particular, that the variety for which protection is sought constitutes a new plant variety within the meaning of Law No. 99-42 of 10 May 1999 referred to above and of this Order
- payment of the prescribed fees at the time of filing the application
- written authorization from the title holder or holders if the application refers to a variety of which the commercial production requires the repeated use of a protected variety.

Article 3

The filing date of the application for protection shall be deemed to be the date on which the applicant has duly filed all the elements referred to in Article 2 of this Order. An acknowledgement of receipt confirming the day and time of filing of the application and bearing a registration number shall be issued to the applicant.

Article 4

The applicant shall be required to provide all the information, documents or material required for the technical examination of the variety on the dates laid down in the table annexed to this Order.

Unless the applicant is able to present a good reason that is accepted by the competent authority, failure to supply the above shall lead to rejection of the application.

Article 5

The applicant shall be required to propose a denomination for the variety that is the subject matter of the application for protection.

A denomination may consist of any word, combination of words, combination of words and figures or combination of letters and figures, with or without an existing meaning, provided that such denominations allow the variety to be identified.

The denomination shall be filed at the same time as the application. Filing may be postponed on payment of a special fee.

Any concerned person may submit observations on the proposed denomination within three months of its publication.

The applicant may either justify his proposal or propose a new denomination within a period of 30 days as from the day on which he has been contacted by the competent authority to that end.

Where such new denomination is not accepted, the applicant shall be given official notice to propose a denomination that is in compliance, on pain of rejection of the application.

The denomination shall be registered at the same time as the grant of the right of protection.

Article 6

For each application for protection, the registration shall contain the following particulars:

- the registration number
- the filing date of the application for protection
- the genus and species to which the variety belongs
- the name and address of the applicant and, where appropriate, of his representative
- the name and address of the breeder, if the breeder is not the applicant
- the proposed denomination or, failing that, the reference of the variety and, possibly, a claim to priority right.

The description of the variety given by the applicant and that of the breeding process shall be entered in the National Catalogue of Plant Varieties with a reference to the application.

Where appropriate, the following shall also be entered in the National Catalogue of New Plant Varieties:

- the date of withdrawal of the application by the breeder
- the date of rejection of the application by the Minister for Agriculture and any relevant appeals.

Article 7

An application shall be registered in the first part of the National Catalogue of New Plant Varieties, in the order of filing and under the number communicated to the applicant and which shall be shown on all notifications provided for by this Order.

CHAPTER II

Plant Variety Certificates

Article 8

Plant variety certificates shall be entered in the second part of the catalogue of new plant varieties in their order of grant.

The entry shall contain, in particular:

- the number of the application
- the date and serial number under which the certificate has been granted
- the genus or species to which the variety belongs
- the variety denomination
- a botanical description of the variety
- the name and address of the owner of the new plant variety certificate
- the name and address of the breeder if the breeder is not the owner of the new plant variety certificate
- the name and address of the representative, where appropriate
- any actions claiming ownership
- the dates on which protection begins and expires.

The entry shall be supplemented by notice of all acts relating to the transfer of ownership of the new plant variety certificate, such as assignment, licensing, *ex officio* licensing, waiver, lapse, nullity or any act transmitting or modifying the rights deriving from such certificate.

Article 9

A new plant variety certificate shall be granted if, following prior examination, the variety is acknowledged to be new, distinct, uniform and stable in accordance with the following conditions:

(a) a variety shall be deemed new if, at the date of filing of the application for a breeder's right, propagating material 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:

- in Tunisia for more than one year
- abroad for more than four years or, in the case of trees and vine, for more than six years.

(b) 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 new plant variety certificate for another variety or the entering of another variety in an official catalogue 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 such other variety in the official catalogue of varieties, as the case may be.

(c) 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.

(d) 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.

Article 10

As from publication of applications for new plant variety certificates, provided for in Article 19 of Law No. 99/42 of 10 May 1999 referred to above, any person may submit to the competent authority, within a period of three months, observations on the grant of such certificates.

Such observations shall be made in writing and shall be reasoned. The documents serving as proof shall be attached thereto.

The above mentioned observations permit only to assert that a variety is not new, distinct, uniform or stable or that the applicant is not entitled to protection.

Article 11

The applicant may enjoy the priority of a earlier application that has been regularly filed for the same variety.

Where the application has been preceded by more than one application, priority may be based only on the earliest application.

Priority must be expressly claimed. It may be claimed only during a period of 12 months as from the filing date of the first application. The day of filing shall not be comprised in that period.

To enjoy the priority right, the applicant shall provide to the competent authority, within a period of three months as from the filing date, a certified copy of the first application.

As a result of priority, the application shall be deemed to have been filed on the filing date of the first application with regard to the conditions of protection deriving from the variety.

In addition, the applicant shall have the faculty of requesting that examination of the variety be deferred for two years at most as from the expiry date of the term of priority (three years as from the filing date of the first application). However, if the first application is rejected

or withdrawn, the competent authority may initiate the examination of the variety before the date stated by the applicant and in such case shall afford the applicant an appropriate period of time for providing the information, documents or material required for the examination.

Article 12

A new plant variety certificate that has been granted may not be cancelled unless:

- the novelty, distinctness, uniformity and stability requirements were not satisfied at the time the certificate was granted in cases where grant of the certificate was based on the information and documents provided by the applicant
- the new plant variety certificate was granted to a person not entitled thereto, unless it is transferred to the person entitled thereto.

Nullity may be invoked by any person with an interest in taking action, including the competent authority.

Article 13

The new plant variety certificate shall be granted by decision of the Minister for Agriculture after receiving the opinion of the Technical Committee for Seed, Seedlings and New Plant Varieties. It shall be drawn up in the name of the holder of the application and recorded in the National Catalogue of New Plant Varieties in the part concerning new plant variety certificates. Where the holder of the application is not the breeder, the name of the latter shall be mentioned on the certificate.

The new plant variety certificate shall contain the denomination of the variety, its botanical description, the filing date of the application, the grant date of the certificate and the term of protection.

Article 14

The Minister for Agriculture may determine equivalence of an entry in a foreign catalogue of new plant variety protection if the conditions and procedure for entry in such catalogue are equivalent to those applied in Tunisia and if the variety is new within the meaning of Article 9(a) of this Order.

CHAPTER III

Tasks of the Competent Authority

Article 15

In addition to the tasks provided in Law No. 99-42 of 10 May 1999, referred to above, the competent authority shall be responsible for:

- receiving, recording and prosecuting applications for the grant of new plant variety certificates and for opposition to the grant of such certificates,

- keeping the National Catalogue of New Plant Varieties and effecting registration of all acts concerning the right of protection
- examining the varieties submitted for protection or entrusting other bodies in Tunisia or abroad with so doing
- assuring or having assured the conservation of the reference samples of varieties for which an application for protection has been filed
- ensuring the publication of the list of protected new varieties, the applications for protection and the new plant variety certificates in the Official Journal of the Tunisian Republic
- conserving the files of applications for new plant variety certificates
- transferring exploitation of a variety in the general interest in application of Article 30 of Law No. 99-42 of 10 May 1999, referred to above, and after having obtained the opinion of the Technical Committee for Seed, Seedlings and New Plant Varieties.

CHAPTER IV

SPECIES ELIGIBLE FOR PROTECTION

Article 16

The list of genera and species eligible for protection, the term of protection, together with the time limit for filing applications for protection and the quantities of propagating material required for the examination of the varieties shall be laid down in accordance with the tables annexed to this Order.

Genera/species (Latin names)	Period of protection (years)
(1) Cereals	
Durham wheat (<i>Triticum durum</i> Desf)	20
Wheat (<i>Triticum aestivum</i> L.)	“
Barley (<i>Hordeum vulgare</i> L.)	“
Oats (<i>Avena sativa</i> L.)	“
Triticale (X <i>Triticosecale</i>)	“
(2) Legumes	
Bean (<i>Vicia faba</i> var <i>major</i>)	20
Lentil (<i>Lens culinaris</i>)	“
Chic pea (<i>Cicer arietinum</i> L.)	“
Pea (<i>Pisum sativum</i>)	“
French bean (<i>Phaseolus vulgaris</i> L.)	“
Field bean (<i>vicia. faba</i> var <i>minor</i>)	“
(3) Fodder Crops	
Fodder beet (<i>Beta vulgaris</i>)	20
Maize (<i>Zea mays</i> L.)	“
Fodder sorghum (<i>Sorghum bicolor</i>)	“
Sudan grass (<i>Sorghum Sudanese</i>)	“
Italian ryegrass (<i>Lolium multiflorum</i>)	“
Perennial ryegrass (<i>Lolium perenne</i>)	“
Phalaris <i>ssp</i>	“
Coxfoot (<i>Dactylis glomerata</i>)	“
Tall fescue (<i>Festuca arundinacea</i> schreb)	“
Couchgrass (<i>Agropyrum</i>)	“
Fodder pea (<i>Pisum arvense</i> L.)	“
Common vetch (<i>Vicia Sativa</i>)	“
Perennial Luzerne (<i>Medicago sativa</i> L.)	“
Annual Luzerne (<i>Medicago ssp</i>)	“
Clover (<i>Trifolium ssp</i>)	“
Hedysarum (<i>Hedysarum coronarium</i>)	“
Lathyrus (<i>Lathyrus ssp</i>)	“
(4) Industrial Crops	
Peanut (<i>Arachis hypogaea</i> L.)	20
Sunflower (<i>Helianthus annuus</i> L.)	“
Colza (<i>Brassica napus</i>)	“
Sugar beet (<i>Beta vulgaris</i>)	“
(5) Vegetable Crops	
Tomato (<i>Lycopersicum Lycopersicum</i>)	20
Carott (<i>Daucus carota</i> L.)	“
Aubergine (<i>Solanum melongena</i> L.)	“
Melon (<i>Cucumis melo</i> L.)	“
Water melon (<i>Citrullus vulgaris</i>)	“
Sweet pepper (<i>capsicum ssp</i>)	“
Cabbage, cauliflower (<i>Brassica oleracea</i>)	“
Beetroot (<i>Beta vulgaris</i> L.)	“
Cucumber, Gherkin (<i>Cucumis Sativus</i> L.)	“
Vegetable Marrow, Squash (<i>Cucurbita pepo</i> L.)	“
Lettuce (<i>lactuca sativa</i> L.)	“
Turnip (<i>brassica rapa</i> L.)	“
Onion (<i>Allium cepa</i> L.)	“
Radish (<i>Raphanus sativus</i> L.)	“
Potato (<i>Solanum tuberosum</i> L.)	“
Strawberry (<i>Fragaria</i> L.)	“

	Period of
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Genera/species (Latin names)	protection (years)
(6) Ornamental and Floral Species	
Rose (<i>Rosa</i> ssp)	25
Carnation (<i>Dianthus</i> ssp)	20
Gladiolus (<i>Gladiolus</i> ssp)	“
Geranium (<i>Pelargonium</i> ssp)	“
Chrysanthemum (<i>Chrysanthemum</i> . ssp)	“
Strelitzia	“
Iris	“
Hibiscus trionum.	“
Laurier (<i>Nerium oleander</i>)	“
(7) Tree and Vine Species	
Citrus ssp	25
Peach (<i>Prunus persica</i> L.)	“
Plum (<i>Prunus domestica</i> L.)	“
Apricot (<i>Prunus armeniaca</i> L.)	“
Almond (<i>Prunus amygdalus</i>)	“
Cherry (<i>Prunus cerasus</i> , <i>avium</i>)	“
Apple (<i>Malus pumila</i> Mill)	“
Pear (<i>Pyrus communis</i> L.)	“
Vine (<i>Vitis vinifera</i> L.)	“
Fig (<i>Ficus carica</i>)	“
Pomegranate (<i>Punica Granatum</i>)	“
Olive (<i>Oléa europaea</i> L.)	30
Date palm (<i>Poenix dactylifera</i>)	“
Loquat (<i>Eriobotrya Japonica</i>)	“
Walnut (<i>Juglans Regia</i>)	“
Hazelnut (<i>Corylus Avellana</i>)	“
Nopal (<i>Oluntia – Ficus – Indica</i>)	“
Pistachio (<i>Pistacia vera</i>)	“

Final dates for filing applications for protection and the quantity of production of propagating material required for variety examination

Genera/species (Latin names)	Final dates for application filing	Quantity of production or propagation material to be supplied
1) Cereals		
Durham wheat (<i>Triticum durum</i> Desf)	1 September	3 kgs of basic seed each year during the examination period
Wheat (<i>Triticum aestivum</i> L.)	1 September	
Barley (<i>Hordeum vulgare</i> L.)	1 September	
Oats (<i>Avena sativa</i> L.)	1 September	
Triticale (X <i>Triticosecale</i>)	1 September	
(2) Legumes		
Bean (<i>Vicia faba</i> var <i>major</i>)	1 September	1 kg of basic seed (at least 1000 seeds) each year during the examination period
Lentil (<i>Lens culinaris</i>)	1 September	
Chic pea (<i>Cicer arietinum</i> L.)	1 November	
Pea (<i>Pisum sativum</i>)	15 August	
French bean (<i>Phaseolus vulgaris</i> L.)	15 January	
Field bean (<i>vicia. faba</i> var <i>minor</i>)	1 September	
(3) Fodder crops		
Fodder beet (<i>Beta vulgaris</i>)	1 August	1 kg of basic seed each year during the examination period
Maize (<i>Zea mays</i> L.)	1 January	- 1000 viable seeds from each parent - 3 kgs seed of the commercial hybrid each year during the examination period
Fodder sorghum (<i>Sorghum bicolor</i>)	1 January	1 kg basic seed and 50 panicles if necessary
Sudan grass (<i>Sorghum Sudanese</i>)	1 January	Each year during the examination period
Italian ryegrass (<i>Lolium multiflorum</i>)	1 September	1.5 kg of basic seed Each year during the examination period
Perennial ryegrass (<i>Lolium perenne</i>)		
Phalaris ssp		
Coxfoot (<i>Dactylis glomerata</i>)		
Tall fescue (<i>Festuca arundinacea</i> schreb)		
Couchgrass (<i>Agropyrum</i>)		

Genera/species (Latin names)	Final dates for application filing	Quantity of production or propagation material to be supplied
Fodder pea (<i>Pisum arvense</i> L.)	15 August	1 kg of basic seed each year during the examination period
Common vetch (<i>Vicia Sativa</i>)	15 August	
Perennial Luzerne (<i>Medicago sativa</i> L.)	1 September	
Annual Luzerne (<i>Medicago</i> ssp)	1 September	1 kg of basic seed each year during the examination period
Clover (<i>Trifolium</i> ssp)	1 September	
Hedysarum (<i>Hedysarum coronarium</i>)	1 September	
Lathyrus (<i>Lathyrus</i> ssp)	1 Septembrer	
(4) INDUSTRIAL CROPS		
Peanut (<i>Arachis hypogaea</i> L.)	15 January	2 kgs of basic seed each year during the examination period
Sunflower (<i>Helianthus annuus</i> L.)	1 January	1 kg of basic seed each year during the examination period for hybrids and free fertilization varieties
Colza (<i>Brassica napus</i>)	15 September	
Sugar beet (<i>Beta vulgaris</i>)	1 August	- 2 kgs of basic seed
		- 1 Unit
		Each year during the examination period
(5) VEGETABLE CROPS		
Tomato (<i>lycopersicum lycopersicum</i>)		
- autumn growing	15 June	10 g of standard seed for hybrids
- indoor growing	20 August	25 g of standard seed for varieties
- culture de saison	- 30 novembre	Chaque année durant la période d'examen
- seasonal growing	30 November	
Carott (<i>daucus carota</i> L.)		
- autumn/winterr	30 June	50 g of standard seed each year during the examination period
- spring/wummer growing	31 December	
Aubergine (<i>solanum melongena</i> L.)	15 June	15 g of standard seed
		each year during the examination period
Melon (<i>cucumis melo</i> L.)	15 December	30 g of standard seed for fixed varieties
		20 g of standard seed for hybrids each year during the examination period
Water melon (<i>citrullus vulgaris</i>)	31 December	100 g of standard seed for fixed varieties
		50 g of standard seed for hybrid varieties each year during the examination period
Sweet pepper (<i>capsicum lycopersicum</i>)		10 g of standard seed each year
Autumn growing	15 June	during the examination period
Indoor	20 August	
Seasonal	30 November	
Cabbage, cauliflower (<i>brassica oleracea</i>)		50 g of standard seed for fixed varieties
Autumn/winter growing	30 June	
Spring/summer growing	31 December	50 g of standard seed for hybrid varieties
		each year during the examination period
Beetroot (<i>beta vulgaris</i> L.)	30 June	200 g dof standard seed
		each year during the examination period
Cucumber (<i>cucumis sativus</i> L.)~	31 July	20 g of standard seed each year
Gherking		during the examination period
Vegetable Marrow, Squash (<i>Cucurbita pepo</i> L.)	15 September	20 g of standard seed for hybrid varieties
		each year during the examination period

Genra/species (Latin names)	Final dates for application filing	Quantity of production or propagation material to be supplied
Lettuce (<i>lactuca sativa</i> L.)	31 August	30 g of standard seed each year during the examination period
Turnip (<i>brassica rapa</i> L.)	31 July	50 g of standard seed each year during the examination period
Onion (<i>allium cepa</i> L.) - short days - long days	30 June 31 Decembere	100 g of standard seed each year during the examination period
Radish (<i>raphanus sativus</i> L.)	30 August	50 g of standard seed each year during the examination period
Potato (<i>solanum. tuberosum</i> L.) - early growing - seasonal growing	15 November 15 January	150 certified category seed potatoes each year during the examination period
Strawberry (<i>fragaria</i> L.)	15 December	100 seedlings each year
6) FLORAL AND ORNAMENTAL SPECIES		
Rose (<i>rosa</i> ssp)	30 Januaryr	6 one-year grafts with at least 3 shoots not rsulting from micropropagation
Carnation (<i>dianthus</i> ssp)	30 January	50 rooted cuttings
Gladiolus (<i>gladiolus</i> ssp)	30 January“	30 horns
Geranium (<i>pelarganium</i> ssp)	30 January	15 young plants
Chrysanthemum (<i>chrysanthemum. ssp</i>)	30 January	50 cuttings of all season varieties and 25 cuttings for perennial varieties
Strelitzia	30 January	15 rooted fragments
Iris	30 January	30 bulbs
Hibiscus trionum.	30 January	15 young plants
Laurier (<i>nerium oleander</i>)	30 January	25 young plantss
(7) TREE AND VINE SPECIES		
Citrus ssp	31 March	5 certified one-year grafted seedlings
Peach (<i>prunus persica</i> L.)	31 December	“
Plum (<i>prunus domestica</i> L.)	31 December	“
Apricot (<i>prunus armeniaca</i> L.)	31 December	“
Almond (<i>prunus amygdalus</i>)	31 December	“
Cherry (<i>prunus cerasus, avium</i>)	31 December	“
Apple (<i>malus pumila mill</i>)	31 December	“
Pear (<i>pyrus communis</i> L.)	31 December	“
Vine (<i>vitis vinifera</i> L.)	31 December	“
Fig (<i>figus carica</i>)	31 December	5 rooted cuttings
Pomegranate (<i>punica granatum</i>)		“
Olive (<i>oléa europaea</i> L.)	31 December	5 rooted seedlings
Date palm (<i>poenix dactylifera</i>)	31 March	5 young plants
Loquat (<i>eriobotrya Japonica</i>)	31 March	“
Walnut (<i>juglans regia</i>)	31 March	“
Hazelnut (<i>corylus avellana</i>)	31 March	“
Nopal (<i>oluntia - ficus - indica</i>)	31 December	5 rooted cuttings
Pistachio (<i>pistacia vera</i>)	31 December	“

N.B : * Seed should comply with the norms applicable to the category requested.

* The provision of seed or seedlings required each year is limited to the examination period.

* Additional quantities of seeds and s eedlings may be requested for the reference collections.