***Paenibacillus azotofixans* (Seldin et al. 1984) Ash et al. 1995 does not have priority over *Paenibacillus durum* (Smith and Cato 1974) Collins et al. 1994: request for an opinion**

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We propose that the organism described by Seldin et al. (1984), which is based on the type strain ATCC 35681, should continue to be called *Paenibacillus azotofixans* although, with the reclassification of *Paenibacillus durum* as a member of *Paenibacillus azotofixans*, the epithet *durum* has priority.

Keywords: *Paenibacillus azotofixans*, *Paenibacillus durum*

In the April 1997 issue of the IJSB, a paper entitled 'Reclassification of *Paenibacillus durum* (formerly *Clostridium durum* Smith and Cato 1974) Collins et al. 1994 as a member of the species *P. azotofixans* (formerly *Bacillus azotofixans* Seldin et al. 1984) Ash et al. 1994' was published (6). In that paper the authors presented phenotypic and genotypic evidence that their five strains of *Paenibacillus azotofixans* and two strains of *P. durum* belong to the same species, a conclusion not inconsistent with the findings of Collins et al. (2) and Heyndrickx et al. (3) for strains of these species. However, the reclassification of *P. durum* as *P. azotofixans* (6) does not follow the principle of priority (Rule 24a) of the *International Code of Nomenclature of Bacteria* (5). *Clostridium durum* was published in 1974 (9) and included in the Approved Lists of Bacterial Names (8). So according to Rule 23a, Note 1, of the Code (5) the species epithet *durum* has priority over *azotofixans* which was not published until 1984 (7).

According to Rosado et al. (6), the epithet *azotofixans* has priority over the epithet *durum* because the transfer of *Bacillus azotofixans* to *Paenibacillus* (1) pre-dated the transfer of *Clostridium durum* to *Paenibacillus* (2). Such a transfer does not effect priority, but even if it did the transfer of *Bacillus azotofixans* to *Paenibacillus* was not validated, according to Rules 27 and 28a of the Code, until its appearance in Validation List no. 52 in

January 1995 (4), whereas the transfer of *Clostridium durum* was validly published in 1994 (2).

However, as the junior synonym *azotofixans* is far more informative than the senior synonym *durum*, the opinion of the Judicial Commission is sought on whether the junior synonym (*azotofixans*) could be conserved (Rules 23a and 56b of the Code).

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