



C/45/14

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DATE: September 20, 2011

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Forty-Fifth Ordinary Session
Geneva, October 20, 2011

DESIGNATION OF THE EXTERNAL AUDITOR OF UPOV

Document prepared by the Office of the Union

1. On October 25, 2007, the Council decided to renew the designation of Switzerland as auditor of the accounts of UPOV up to and including the year 2011 (see documents C/41/15 and C/41/17 "Report" (paragraph 33)).
2. Article 29(6) of the 1991 Act and Article 25 of the 1978 Act of the UPOV Convention provide that the auditing of the accounts of UPOV shall be effected by a State member of UPOV as provided in the administrative and financial regulations, and that the State shall be designated, with its agreement, by the Council.
3. On October 21, 2010, the Council adopted the "Financial Regulations and Rules of UPOV" (document UPOV/INF/4/1), which will become effective from the financial period starting on January 1, 2012. Regulation 8.1 provides as follows (changes in respect of WIPO's Financial Regulations and Rules appear highlighted):

“The WIPO External Auditor, who shall be the Auditor General (or officer holding the equivalent title) of a Member State of WIPO, shall be appointed by the General Assembly of WIPO, in the manner decided by the WIPO Assembly. Where the WIPO External Auditor is the Auditor General (or officer holding the equivalent title) of a State member of UPOV, the Council shall designate as External Auditor, with its agreement, the WIPO External Auditor. Where the WIPO External Auditor is the Auditor General (or officer holding the equivalent title) of a Member State of WIPO that is not a State member of UPOV, the Council shall designate as External Auditor, with its agreement, the Auditor General (or officer holding the equivalent title) of a State member of UPOV.”

4. Financial Regulation 8.2, states that “The External Auditor shall be appointed for a term of office of six years non renewable”.

5. The WIPO External Auditor will be appointed by the WIPO General Assembly, at the Forty Ninth Series of Meetings of the Assemblies and other Bodies of the Member States of WIPO, to be held from September 26 to October 5, 2011.

6. The Consultative Committee, at its eighty-first session held in Geneva on April 8, 2011, endorsed the following approach for the designation of the External Auditor of UPOV:

(a) if the WIPO External Auditor, appointed by the WIPO General Assembly, is the Auditor General (or officer holding the equivalent title) of a State member of UPOV, to invite the Council to designate as UPOV External Auditor, with its agreement, the WIPO External Auditor; or

(b) if the WIPO External Auditor, appointed by the WIPO General Assembly, is not a State member of UPOV, to invite the Council to designate as UPOV External Auditor, with its agreement, the Auditor General (or officer holding the equivalent title) of Switzerland.

7. In the case that WIPO appoints an External Auditor that is the Auditor General (or officer holding the equivalent title) of a Member State of WIPO that is not a State member of UPOV, the Swiss authorities have indicated that Switzerland would be prepared to be designated by the Council as auditor of the accounts of UPOV for a term of office of six years starting from 2012 (see Annex to this document).

8. The decision of the WIPO General Assembly at the Forty Ninth Series of Meetings of the Assemblies and other Bodies of the Member States of WIPO, to be held from September 26 to October 5, 2011, will be reported to the Council in the form of an addendum to this document. In accordance with the approach in paragraph 6 of this document, the addendum will also contain a proposal concerning the designation of the UPOV External Auditor for consideration by the Council at its forty-fifth ordinary session to be held in Geneva on October 20, 2011.

9. The Council is invited to note the contents of this document and its Annex.

[Annex follows]

ANNEX

[Translation by the Office of the Union of a letter dated September 19, 2011]

From: H.E. Mr. Dante Martinelli, Ambassador and Permanent Representative, Permanent Mission of Switzerland to the United Nations Office and other International Organizations in Geneva, Geneva, Switzerland

To: Mr. Francis Gurry, Secretary-General, International Union for the Protection of New Varieties of Plants, 34, Chemin des Colombettes, 1211 Geneva 20

Ref. No: 41.15.0

Geneva, September 19, 2011

Mandate of External Auditor of UPOV Accounts

Dear Secretary-General,

In response to your letter of May 3, 2011, relating to the external auditing of the accounts of the International Union for the Protection of New Varieties of Plants (UPOV), I have the honor to confirm that it is with the assent of the Swiss authorities that Mr. Kurt Grüter, Director of the Federal Audit Office, has declared his willingness to accept the renewal of his mandate as External Auditor of the UPOV accounts, for a period of six years beginning from 2012, should the WIPO General Assembly designate as External Auditor of the WIPO accounts the Head of the supreme audit institution for the public finances of a Member State of WIPO, which is not a member of UPOV, at the forty-ninth series of meetings of the Assemblies and other bodies of the Member States of WIPO (September 26-October 5, 2011).

It is therefore not only with the consent of the Federal Audit Office, but also with the agreement of the Swiss authorities, that the UPOV Secretariat may propose to the Council, with a view to its forty-fifth ordinary session (October 20, 2011), to entrust to the Federal Audit Office, for a further period of six years, the mandate of External Auditor of the accounts of UPOV, if it proves that the External Auditor of the accounts of WIPO, previously designated by the General Assembly of the Organization, is the Auditor General of a Member State of WIPO, which is not a member of UPOV.

Please receive, Secretary-General, the assurances of my highest consideration.

Permanent Representative of Switzerland

Dante Martinelli
Ambassador

[End of Annex and of document]