



C/29/14

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Twenty-ninth Ordinary Session Geneva, October 17, 1995

RECORD OF THE DECISIONS ADOPTED IN THE SESSION

adopted by the Council

Introduction

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its twenty-ninth ordinary session in Geneva on October 17, 1995, under the chairmanship of Mr. Bill Whitmore (New Zealand).
2. The Council took the decisions recorded below, under each relevant agenda item.
3. The draft report on the session will be submitted to the next session of the Council for adoption.

Adoption of the Report on the Twenty-eighth Ordinary Session

4. The Council adopted the report as given in document C/28/13 Prov.

Examination of the Conformity of the Laws of Belarus with the UPOV Convention

5. The Council noted that the request for advice had been made in respect of the 1978 Act, whereas the legislation of Belarus essentially conformed, in the opinion of the Office of the Union (paragraph 33 of document C/29/13) with the provisions of the 1991 Act. It further

noted that Belarus had not made a request in respect of the 1991 Act because of a perceived difficulty in examining 15 plant genera and species at the date on which it would become bound by the Convention, whereas this difficulty might be overcome by resorting to cooperation in examination. On this basis, the Council:

(a) decided to take a positive decision on the conformity of the Plant Variety Patent Law of Belarus with the provisions of the 1978 Act and noted the law of Belarus also conformed with the provisions of the 1991 Act;

(b) decided to authorize the Secretary-General to inform the Government of Belarus of the above decision and inform it that Belarus would also be in a position to deposit an instrument of accession to the 1991 Act as soon as the number of protected genera and species had reached 15.

Examination of the Conformity of the Laws of Bolivia with the UPOV Convention

6. The Council, on the basis of the conclusions drawn by the Office of the Union in paragraphs 51 to 53 of document C/29/12 and the declaration by the Delegation of Bolivia that it accepted the said conclusions, decided:

(a) to advise the Government of Bolivia that the General Rules provided a framework for legislation that, upon incorporation of suitable amendments, would conform to the 1978 Act;

(b) to request the Office of the Union to offer its assistance to the Government of Bolivia in respect of the amendments that were necessary to achieve conformity, or were otherwise advisable;

(c) to further advise the Government of Bolivia that, upon incorporation of the amendments proposed by the Office of the Union, it would be in a position to deposit an instrument of accession to the 1978 Act;

(d) to authorize the Secretary-General to inform the Government of Bolivia of the above decision.

Report by the President on the Work of the Forty-ninth and Fiftieth Sessions of the Consultative Committee; Adoption of Recommendations, if Any, Prepared by that Committee

7. No decision was called for under this agenda item.

Report by the Secretary-General on the Activities of the Union in 1994; Supplementary Report on Activities During the First Nine Months of 1995

8. The Council approved the report by the Secretary-General on the activities of the Union in 1994, given in document C/29/2, and noted the report on activities during the first nine months of 1995, given in document C/29/3.

Progress of the Work of the Administrative and Legal Committee

9. The Council noted the work of the Administrative and Legal Committee as described in document C/29/9.

Progress of the Work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

10. The Council noted and approved the programs of work of the Technical Committee and the Technical Working Parties as given in document C/29/10 and its addenda. It had an exchange of views on the mandate of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular, and expressed the wish that the program of work should concentrate on the methods that were relevant or potentially relevant to DUS testing in particular and plant variety protection in general.

Examination and Approval of the Program and Budget of the Union for the 1996-97 Biennium

11. The Council adopted the program and budget of the Union for the 1996-97 biennium as set out in document C/29/4, subject to the following:

(a) The principal aims of the program (paragraph 2 of the said document) were reformulated as set out in Annex I to this document;

(b) The Administrative and Legal Committee might meet for less sessions than foreseen in Chapter II, under UV.05;

(c) The activities decided upon by the Consultative Committee--the holding of an information meeting in Rome in the spring of 1996 and the possible holding of a symposium in Geneva in 1997--would be financed from the overall available resources;

(d) Following the accessions of Portugal and Ukraine, each contributing on the basis of one half of one unit, the contributions income for the 1996-97 biennium would be 5,353,370 Swiss francs and the amount of expenditures to be covered from the Reserve Fund would be 33,000 Swiss francs.

12. The summary of budget and comparisons and the contributions payable in January 1996 and in January 1997 by member States are thus as set out in Annexes II and III to this document.

Calendar of Meetings in 1996

13. The Council established the calendar of meetings in 1996 as reproduced in Annex IV to this document.

14. It was noted that the Administrative and Legal Committee might not hold one of the sessions scheduled and that the information meeting in Rome might be held on April 19 (the session of the Commission on Plant Genetic Resources was scheduled to be held from April 22 to 26, 1996).

Election of the New Chairman and the New Vice-Chairman of the Administrative and Legal Committee

15. The Council elected, in each case for a term of three years ending with the thirty-second ordinary session of the Council, in 1998:

- (a) Mr. H. Dieter Hoinkes (United States of America) Chairman of the Committee;
- (b) Mr. John Carvill (Ireland) Vice-Chairman of the Committee.

16. The Council expressed its appreciation to Mr. Henning Kunhardt (Germany) for the work he had carried out during his term.

Election of the New Chairman and the New Vice-Chairman of the Technical Committee

17. The Council elected, in each case for a term of three years ending with the thirty-second ordinary session of the Council, in 1998:

- (a) Mr. Joël Guiard (France) Chairman of the Committee;
- (b) Mrs. Elise Buitendag (South Africa) Vice-Chairman of the Committee.

18. The Council expressed its appreciation to Mrs. Jutta Rasmussen (Denmark) for the work she had carried out during her term.

Situation in the Legislative, Administrative and Technical Fields

19. The Council decided that the need for the “statistical documents” (documents C/29/5 to 7) should be considered by the Consultative Committee at its next session.

Other Business

20. The Council decided that UPOV committees and working groups should only hold their meetings in the territory of UPOV members (Contracting Parties).

21. *This record was unanimously adopted by the Council at the close of its session.*

[Four Annexes follow]

ANNEX I

AIMS OF THE PROGRAM FOR THE 1996-97 BIENNIUM

Revised Text Adopted by the Council

2. The principal aims of the program for 1996-97 are the following:

(i) to coordinate and facilitate the protection of plant varieties by the member States under the UPOV Convention by providing fora for discussion and decisions;

(ii) to promote harmony between the domestic legislation and administrative practices of member States;

(iii) to further develop legal and technical cooperation among member States, particularly by supporting proposals for cooperation between States in examining applications for protection;

(iv) to take all necessary steps to facilitate the work of the breeders and the tasks of the plant variety protection authorities of member States;

(v) to propagate the concept of plant variety protection, particularly in countries that do not yet afford such protection, by explaining, where appropriate, in cooperation with national governments, with intergovernmental and with non-governmental organizations the need for and the modalities of the protection of plant breeders' rights; to publish information for this purpose;

(vi) to promote the accession of States to the 1991 Act of the UPOV Convention and to assist them in taking measures which will enable them to accede to the 1991 Act of the Convention; until the 1991 Act enters into force, to assist States that so wish, in taking timely measures which will enable them to accede to the 1978 Act of the Convention;

(vii) to provide or promote the provision of programs for education and training in the field of plant variety protection, seeking sources of extra-budgetary funding for such programs;

(viii) to continue the progressive introduction of the Spanish language in the work of the Office through more interpretation into Spanish at meetings and more information and documentation published in that language;

(ix) to observe developments outside UPOV concerning the conservation and making available of genetic resources, and to examine the possible impact of such developments on plant variety protection in general and on UPOV in particular;

(x) to examine various possibilities for the legal protection of innovations in the field of genetic engineering and biotechnology, and to observe developments relating to the legal protection of innovations relating to animals.

[Annex II follows]

ANNEX IV

DATES OF MEETINGS IN 1996

presented in the order of the organs

Council

October 24

Consultative Committee

April 17
October 23

Administrative and Legal Committee

April 15 and 16
October 21 and 22

Technical Committee

October 16 to 18

Technical Working Party for Agricultural Crops

June 11 to 14, Thessaloniki, Greece

Technical Working Party on Automation and Computer Programs

June 4 to 6, Hanover, Germany

Technical Working Party for Fruit Crops

April 22 to 26, Tel Aviv, Israel

Technical Working Party for Ornamental Plants and Forest Trees

April 15 to 19, Tel Aviv, Israel

Technical Working Party for Vegetables

July 8 to 12, Brno, Czech Republic

Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular

March 11 to 13, 1997, Cambridge, United Kingdom