

UPOV

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INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

FINANCIAL REGULATIONS

(as adopted on October 29, 1970, and amended on November 10, 1972, in accordance with the procedure provided for in Article 20 of the Convention for the Protection of New Varieties of Plants, signed in Paris on December 2, 1961)

Article 1

Adoption of the Financial Regulations of WIPO

The Financial Regulations of the International Union for the Protection of New Plant Varieties (UPOV) (hereinafter referred to as "the present Regulations") shall consist, mutatis mutandis and subject to the provisions of the following articles, of the Financial Regulations applied by the World Intellectual Property Organization (WIPO) and the Rules implementing the said Regulations (hereinafter referred to as "the Regulations" and "the Rules" respectively), including all subsequent amendments to such Regulations and such Rules.

Article 2

Preparation of the Budget

Articles 3.2, 3.3 and 3.4 of the Regulations are replaced by the following provisions:

- (a) By September 1 of each year the Secretary General shall submit the budget for the following year to the Council of UPOV for approval.
- (b) The budget shall be approved by the Council before the beginning of the financial period.
- (c) The approval of the budget shall constitute authorization, for the Secretary General, to incur expenses and make payments for the purposes stated in the budget, and up to the amounts so stated.

Article 3Management Reports

Article 6 of the Regulations is replaced by the following provisions:

- (a) Within eight months after the end of each financial period, the Secretary General shall submit to the Council of UPOV, and to the Government of the Swiss Confederation in its capacity as Supervisory Authority, a management report (rappor de gestion) dealing with its management and the activities and financial position of UPOV.
- (b) The Secretary General shall transmit the management report to all the member States of the Union after it has been examined by the Council.

Article 4Administrative Accounts (final accounts)

Article 7 of the Regulations is replaced by the following provisions:

- (a) Within six months after the end of each financial period, the Secretary General shall submit the UPOV final accounts to the Government of the Swiss Confederation in its capacity as Supervisory Authority. Within eight months the Secretary General shall submit the final accounts and the audit report of the Government of the Swiss Confederation to the Council of UPOV.
- (b) The Council shall examine the accounts. It may propose adjustments to the share of UPOV in common expenses, if it finds that this share has not been correctly estimated and assessed by the Secretary General. The Government of the Swiss Confederation, in its capacity as Supervisory Authority, shall establish the final allocation, after having consulted the Coordination Committee of WIPO on the proposals made by the Council of UPOV.
- (c) The Council shall approve the final accounts, after they have been audited in accordance with Article 24 of the Convention.

Article 5

Surpluses and Deficits

Article 8 of the Regulations is replaced by the following provisions:

- (a) If, after the approval of the final accounts, these accounts show a surplus of income, such surplus shall be paid into the Reserve Fund.
- (b) If, after the approval of the final accounts, these accounts show a deficit which cannot be covered by the Reserve Fund, the Council shall decide on the measures to be taken to remedy the situation.

Article 6

Contributions of Member States

Article 9.1 of the Regulations is replaced by the following provision:

Contributions fixed for a year shall be paid during the month of January of the respective year.

Article 7

Financial Control

1. The last sentence of paragraph (b) of Article 10.1 of the Regulations is replaced by the following provision:

In the exercise of his functions as Controller, such staff member shall be directly responsible to the Council of UPOV.

2. The last two sentences of Article 10.2 of the Regulations are replaced by the following provision:

In such case, the Controller shall attach a report to his authorization and shall immediately communicate the said report to the President of the Council of UPOV, who shall bring the matter to the attention of the Council.

3. Rule 1(b) is replaced by the provisions of paragraphs (1) and (2) of this Article.

Article 8Working Capital Fund

1. UPOV shall have a special fund hereby named the Working Capital Fund, which shall be constituted by advances made by member States. Such advances shall be entered to the credit of the members which have made them.

2. The amount of the initial, or any subsequent, advance which each of the member States is called upon to make to the Working Capital Fund, and the procedure according to which such advances are to be made shall be fixed by the Council on the basis of proposals submitted by the Secretary General.

3. The purposes for which the Working Capital Fund shall be utilized shall be:

- (a) to meet budgeted expenditure pending the receipt of the contributions of member States;
- (b) to meet unavoidable unforeseen expenses arising from the execution of the approved program;
- (c) to meet such other expenses as may be determined by the Council.

4. Advances made from the Fund under paragraph (3)(a) shall be reimbursed as soon as, and to the extent that, income is available for that purpose. The amounts required for the reimbursement of advances provided for in paragraphs (3)(b) and (3)(c) shall be covered by additional budgets or by the budget for the following year. Advances provided for in paragraph (3)(c) shall be subject to prior approval by the Council.

5. Interest received on the Working Capital Fund shall be credited to the general funds of UPOV.

Article 9Incurring of Obligations

Rule 2(a) is supplemented by the following provision:

When the expenditure concerns UPOV alone, the commitment to incur an obligation shall be signed by the Secretary General of UPOV or a staff member designated by him and the Controller.

Article 10Disbursements

1. Paragraph (a)(iii) of Rule 3 is replaced by the following when the disbursement concerns UPOV alone: "(iii) by the Secretary General of UPOV or a staff member designated by him when the disbursement concerns UPOV alone."

2. When the disbursement concerns UPOV alone, the reference to the Director at the end of the first sentence of paragraph (b) of Rule 3 shall be understood to be a reference to the Secretary General of UPOV.

Article 11Receiving of Moneys

Paragraph (c) of Rule 4 is replaced by the following provision:

Cheques made out by the Office of UPOV to its own order, as well as any other order addressed by the Office of UPOV to a bank, postal cheques office or to any other person, for the payment of cash, must be signed by two staff members, one of whom must be the Secretary General of UPOV or a staff member designated by him, and the other the Controller or, if the Controller is not available, the Head of the Finance Services.

Article 12Amendment of the Regulations

1. Subject to the provisions of the Convention for the Protection of New Varieties of Plants, signed at Paris on December 2, 1961, and the Regulations Concerning the Procedure for Technical and Administrative Cooperation Between UPOV and the Unions Administered by BIRPI, approved by the Swiss Federal Council on October 21, 1969, the present Regulations--including any changes resulting from the amendment of the Regulations and Rules (see Article 1)--may be amended by the Council.

2. All amendments must be adopted by a majority of three-fourths of the States members of UPOV, after the opinion of the Swiss Confederation has been heard.

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