



C(Extr.)/30/8  
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## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

### COUNCIL

#### Thirtieth Extraordinary Session Geneva, March 22, 2013

#### REPORT

*adopted by the Council*

*Disclaimer: this document does not represent UPOV policies or guidance*

#### Opening of the session

- \*1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirtieth extraordinary session in Geneva on March 22, 2013, chaired by Ms. Kitisri Sukhapinda (United States of America), President of the Council.
- \*2. The list of participants is reproduced in Annex I to this report.
- \*3. The session was opened by the President, who welcomed the participants.
- \*4. The President informed the Council that Serbia had deposited its instrument of accession to the 1991 Act of the UPOV Convention on December 5, 2012, and had become the seventy-first member of UPOV on January 5, 2013.
5. The Council noted the intervention made by the Delegation of Serbia, which is reproduced as Annex II to this report.
- \*6. The Secretary-General reported that Mrs. Margaret Byskov and Mrs. Julia Borys would retire in 2013, after sixteen years and two years of service, respectively. He expressed his appreciation for their dedicated service and important contribution to the Office of the Union. The Secretary-General further reported that Mr. Benjamin Rivoire and Mr. Leontino Taveira had been appointed as Technical/Regional Officer (Africa, Arab countries) and Technical/Regional Officer (Latin America, Caribbean countries), respectively.

#### Adoption of the agenda

- \*7. The Council adopted the revised draft agenda, as proposed in document C(Extr.)/30/1 Rev.

#### Examination of the conformity of the Plant Breeders' Rights Bill for Zanzibar with the 1991 Act of the UPOV Convention

- \*8. The Council considered documents C(Extr.)/30/4 Rev. and C(Extr.)/30/4 Add.

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\* An asterisk next to the paragraph number indicates that the text has been reproduced from the Report on the Decisions (document C(Extr.)/30/7).

9. The representative of the Association for Plant Breeding for the Benefit of Society (APBREBES) presented comments from non-governmental organizations, such as ActionAid International Tanzania, PELUM Tanzania, Tanzania Organic Agriculture Movement, Tanzania Alliance for Biodiversity, and Eastern and Southern Africa Small Scale Farmers' Forum (ESAFF), in relation to the interests of small holder farmers in the United Republic of Tanzania. He stated that those organizations had expressed concerns that farmers' organizations and relevant civil society organizations had not been consulted on the Plant Breeders' Rights Bill for Zanzibar and on the implications of acceding to the 1991 Act. He said that those comments referred to the commitment under the International Treaty on Plant Genetic Resources for Food and Agriculture to take measures to realize farmers' rights.

\*10. The Council noted the intervention made by APBREBES.

11. The Delegation of Kenya explained that it was necessary to take into account the different means by which consultations can take place. He recalled that Kenya had been a member of UPOV for many years and that it had benefitted immensely from being member of UPOV with Kenyan farmers being the first beneficiaries of that membership. It noted that it did not seem reasonable that Kenyan farmers could benefit from UPOV membership while farmers from the United Republic of Tanzania could not.

\*12. The Council noted the intervention made by the Delegation of Kenya.

\*13. The Council decided to:

(a) note the analysis in documents C(Extr.)/30/4 Rev. and C(Extr.)/30/4 Add.;

(b) subject to the incorporation in the Plant Breeders' Rights Bill for Zanzibar of the modifications recommended in paragraphs 26, 28, 30 and 35 of document C(Extr.)/30/4 Rev., and with no additional changes, take a positive decision on the conformity of the Plant Breeders' Rights Bill for Zanzibar with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants;

(c) note that the Draft Law of Plant Breeders' Rights for Mainland Tanzania was adopted on November 5, 2012, and that the adoption of the Draft Law for Zanzibar is necessary for breeders' rights to cover the whole territory of the United Republic of Tanzania;

(d) note that the Plant Breeders' Rights Act for Mainland Tanzania, which was adopted on November 5, 2012, and published in the Gazette of the United Republic of Tanzania on March 1, 2013, had incorporated the changes presented in revision mode in the recommendations of the Council in its decision of November 1, 2012 (see document C/46/18 "Report on the decisions", paragraph 15);

(e) agree that the additional changes in the Plant Breeders' Rights Act for Mainland Tanzania, as presented in the Annex to document C(Extr.)/30/4 Add., did not affect the substantive provisions of the 1991 Act of the UPOV Convention, and confirm the decision on conformity of November 1, 2012;

(f) inform the Government of the United Republic of Tanzania that, subject to the modifications recommended by the Council, at its thirtieth extraordinary session, held in Geneva on March 22, 2013 (see paragraph (b) above), being incorporated in the Plant Breeders' Rights Bill for Zanzibar and the adoption of the Bill with no additional changes,

the instrument of accession of the United Republic of Tanzania may be deposited; and

(g) authorize the Secretary-General to inform the Government of the United Republic of Tanzania of that decision.

\*14. The Delegation of the United Republic of Tanzania thanked the Council for the positive decision on the conformity of the Plant Breeders' Rights Bill for Zanzibar with the provisions of the 1991 Act of the UPOV Convention. The Delegation looked forward to the United Republic of Tanzania becoming a member of the Union in the near future.

Report by the President on the work of the eighty-fifth session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee

\*15. The Council noted the work of the Consultative Committee, at its eighty-fifth session, as set out in document C(Extr.)/30/5.

### Adoption of documents

\*16. The Council considered document C(Extr.)/30/2.

*UPOV/INF/4/3: Financial Regulations and Rules of UPOV (Revision) (document C(Extr.)/30/2, Annex)*

\*17. The Council adopted the revision of document UPOV/INF/4 “Financial Regulations and Rules of UPOV” (document UPOV/INF/4/3), on the basis of the amendments to document UPOV/INF/4/2, as presented in the Annex to document C(Extr.)/30/2.

18. The President noted that Mr. Philippe Favatier, Chief Financial Officer (Controller), would retire before the subsequent session of the Council. She noted that Mr. Favatier had provided support to UPOV matters for 27 years. On behalf of the Council, the President expressed her thanks to Mr. Favatier for his contribution to the work of the Union and wished him a long and happy retirement.

*UPOV/INF/15/2: Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation (Revision) (document UPOV/INF/15/2 Draft 2)*

\*19. The Council adopted the revision of document UPOV/INF/15/2 “Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation”, on the basis of document UPOV/INF/15/2 Draft 2.

*UPOV/INF-EXN/4: List of INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/4 Draft 1)*

\*20. The Council adopted the revision of document UPOV/INF-EXN “List of INF-EXN Documents and Latest Issue Dates” (document UPOV/INF-EXN/4) on the basis of document UPOV/INF-EXN/4 Draft 1.

### Calendar of meetings

\*21. The Council considered document C(Extr.)/30/3.

\*22. The Council approved the organization of a seminar on essentially derived varieties (EDVs) on October 22, 2013. The seminar would consider the following:

(a) technical and legal views on “predominantly derived”, “essential characteristics” and “differences which result from the act of derivation” (see Article 14(5)(b) of the 1991 Act of the UPOV Convention), the relationship between Article 14(5)(b)(i) and (iii) of the 1991 Act of the UPOV Convention and the possible impact on breeding and agriculture;

(b) existing experience in relation to EDVs; and

(c) the possible role of future UPOV guidance on EDVs in cases before the courts.

\*23. With regard to the possible impact on breeding and agriculture, the Council agreed that the seminar should include the perspective of farmer-breeders. It further agreed that the program for the seminar and the speakers should be agreed between the Office of the Union and the Chair and Vice-Chair of the CAJ, and the President of the Council. The Council agreed that the seminar should be open to the public, subject to reservation of sufficient space for members and observers, with the presentations and discussions at the seminar being made available on the UPOV website after a suitable broadcast delay.

\*24. The Council approved the corresponding revision of document C/46/8 Rev. “Revised Calendar of Meetings in 2013”.

### Press release

\*25. The Council considered document C(Extr.)/30/6.

\*26. The Council approved the draft press release contained in the Annex to document C(Extr.)/30/6. The press release approved by the Council is reproduced in Annex [III] to this report.

#### Retirement

27. The President noted that Ms. Sandy Marshall (Canada) and Mr. Joël Guiard (France) would retire before the subsequent session of the Council. On behalf of the Council, the President expressed her thanks to them for their contribution to the work of the Union and wished them a long and happy retirement.

28. *This report was adopted by correspondence.*

[Annexes follow]

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /  
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres/  
in the alphabetical order of the names in French of the members/  
in alphabetischer Reihenfolge der französischen Namen der Mitglieder/  
por orden alfabético de los nombres en francés de los miembros)

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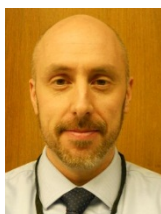


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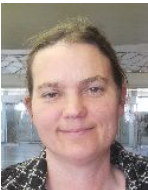
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V. BUREAU / OFFICER / VORSITZ / OFICINA



Kitisri SUKHAPINDA (Ms.), President



Luis SALAICES, Vice-President

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Peter BUTTON, Vice Secretary-General



Yolanda HUERTA (Mrs.), Legal Counsel



Julia BORYS (Mrs.), Senior Technical Counsellor



Fuminori AIHARA, Counsellor



Ben RIVOIRE, Technical/Regional Officer (Africa, Arab countries)



Leontino TAVEIRA, Technical/Regional Officer (Latin America, Caribbean countries)

[L'annexe II suit /  
Annex II follows /  
Anlage II folgt /  
Sigue el Anexo II]

ANNEX II

INTERVENTION OF THE DELEGATION OF SERBIA  
March 22, 2013

Ms. President,

Ladies and Gentlemen,

On behalf of the Government of the Republic of Serbia and the Ministry of Agriculture, Forestry and Water Management, we would like to express our pleasure that the Republic of Serbia has become a member of the International Union for the Protection of New Varieties of Plants.

We appreciate the warm welcome into the UPOV family. Being a UPOV member is a great honor and an important challenge for our country.

The Delegation of the Republic of Serbia expresses our pleasure in participating, for the first time as a fully-fledged member, in the work of the Council and in the work of the other committees.

On December 5, 2012, the Republic of Serbia deposited its instrument of accession to the 1991 Act of the UPOV Convention. On January 5, 2013, the Republic of Serbia has become the 71<sup>st</sup> member of UPOV.

The Law on Protection of Plant Breeder's Rights of the Republic of Serbia entered into force on June 10, 2009. In April 2011, the Council of UPOV took a positive decision on the conformity of the Law on Changes and Amendments of the Law on Protection of Plant Breeder's Rights with the 1991 Act of the UPOV Convention. This Law entered into force on December 2, 2011.

Plant breeding and the creating of the new plant varieties are very important issues for the Republic of Serbia. Establishing an efficient system for the protection of plant breeders' rights in Serbia is one of the most important tasks in encouraging plant breeders to pursue and enhance their research for improved, better varieties as effective tools in establishing and promoting of sustainable agriculture, food production and overall economic development. UPOV membership is the way to improve the development of the new varieties for the benefit of the whole society.

Plant breeders' rights in the Republic of Serbia is under the responsibility of the Plant Protection Directorate of the Ministry of Agriculture, Forestry and Water Management.

Numerous seminars and workshops are organized in Serbia with the aim to raise the awareness on the importance of protection of plant varieties and to introduce plant breeders and producers of propagating material to legislative and administrative procedures related to plant breeders' rights.

We are grateful for the assistance and friendship extended by the Office of the Union in our accession procedure to the UPOV Convention. We would also like to thank the colleagues and experts from members of the Union for sharing their information and experience with us.

Thank you.

[Annex III follows]



INTERNATIONALER  
VERBAND  
ZUM SCHUTZ VON  
PFLANZENZÜCHTUNGEN

GENÈVE, SUISSE

UNION INTERNATIONALE  
POUR LA PROTECTION  
DES OBTENTIONS  
VÉGÉTALES

GENÈVE, SUISSE

UNIÓN INTERNACIONAL  
PARA LA PROTECCIÓN  
DE LAS OBTENCIONES  
VEGETALES

GINEBRA, SUIZA

INTERNATIONAL UNION  
FOR THE PROTECTION  
OF NEW VARIETIES  
OF PLANTS

GENEVA, SWITZERLAND

## PRESS RELEASE

### UPOV Press Release 94

Geneva, March 22, 2013

### **UPOV Council Holds its Thirtieth Extraordinary Session**

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirtieth extraordinary session on March 22, 2013.

Round-up of key developments:

#### New UPOV member: Serbia

Serbia deposited its instrument of accession to the 1991 Act of the UPOV Convention on December 5, 2012, and became the seventy-first member of the Union on January 5, 2013. A full list of the members of the Union can be consulted at <http://www.upov.int/members/en/>.

#### Positive decision on the Plant Breeders' Bill for Zanzibar (United Republic of Tanzania)

The Council welcomed the adoption of the Plant Breeders' Rights Act for Mainland Tanzania on November 5, 2012, for which there was a positive decision by the Council. The Council decided that the Plant Breeders' Rights Bill for Zanzibar, subject to certain modifications, was in conformity with the provisions of the 1991 Act of the UPOV Convention. The Council noted that, once the Draft Law for Zanzibar was adopted, breeders' rights would cover the whole territory and the United Republic of Tanzania could become a UPOV member.

#### Adoption of documents

The Council adopted the revision of documents UPOV/INF/4 "Financial Regulations and Rules of UPOV" and UPOV/INF/15 "Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation".

#### Seminar on essentially derived varieties (EDVs) on October 22, 2013

The Council endorsed the organization of a Seminar on EDVs, to be held in Geneva on October 22, 2013, to consider technical and legal views on EDVs and the possible impact on breeding and agriculture, existing experience in relation to EDVs, and the possible role of future UPOV guidance on EDVs in cases before the courts. The Seminar will be open to the public, with the presentations and discussions at the seminar being made available on the UPOV website after a suitable broadcast delay.

### Contribution to the work of multi-stakeholder team on enhancing public-private partnerships in pre-breeding

Following a request from the Plant Genetic Resources and Seeds Team of the Food and Agriculture Organization of the United Nations (FAO) and a number of other functional units, especially the International Treaty on Plant Genetic Resources for Food and Agriculture, UPOV members agreed to the UPOV Office working as part of a multi-stakeholder team on the “definition of mechanisms for enhancing public-private partnerships in pre-breeding”.

### Gold Medal

Mr. Joël Guiard (France) was awarded a UPOV Gold Medal on completing his term as Chairman of the Technical Committee (TC) at its forty-ninth session, held in Geneva from March 18 to 20, 2013. Mr. Guiard, who will be retiring from his position in Group for Study and Control of Varieties and Seeds (GEVES) in 2013, was awarded a Gold Medal on the basis of his outstanding contribution to plant variety protection, which included the following notable contributions:

- Chairman of the Working Group on Article 1 “Definitions” at the Diplomatic Conference in March 1991
- Member of the UPOV Editorial Committee (31 years)
- Twice Chairman of the Technical Committee (1996-1998 & 2011-2013)
- Chairman of the Technical Working Party for Agricultural Crops (1985-1987)
- Twice Chairman of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (1994-1998)
- Leading Expert for a number of important Test Guidelines

Mr. Guiard’s contribution has extended beyond his direct participation in UPOV bodies. In his role as Directeur adjoint, GEVES, Mr. Guiard has made a unique contribution to the advancement of UPOV’s technical work. The contributions from GEVES include:

- Software which is made freely available to all members of the Union:
  - o GAIA - for the management of reference collections
  - o SIRIUS - for hand-held data capture in DUS trials
- GEVES has provided the examples for the models approved by UPOV for the use of biochemical and molecular markers in the examination of DUS. Those models/examples are the basis for document TGP/15 “Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability”, which is planned for adoption in October 2013.

Mr. Guiard has also provided support, personally and through GEVES, for a multitude of UPOV activities during his time at GEVES. His knowledge, intelligence and personality have enabled him to become a focal point for new and old experts alike.

### Test Guidelines

The Council welcomed the adoption by the Technical Committee of 14 new UPOV Test Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability (Test Guidelines) and 10 revised Test Guidelines. UPOV has now developed 295 Test Guidelines, all of which are freely available on the UPOV website ([http://www.upov.int/test\\_guidelines/en/](http://www.upov.int/test_guidelines/en/)).

### Distance Learning Course DL-205

On-line registration for the UPOV Distance Learning Program “Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention” is now open.

The timetable for the session is as follows:

Study period: May 13 to June 16, 2013  
Final exam: June 10 to 16, 2013

On-line registration is available until March 31, 2013. After that date, registration will not be possible. For Category 1 and 2 participants, all endorsements must be provided by May 1, 2013.

The categories of participants are as follows:

*Category 1:*

Government officials of members of the Union endorsed by the relevant representative to the UPOV Council  
*No fee*

*Category 2:*

Officials of observer States / intergovernmental organizations endorsed by the relevant representative to the UPOV Council  
*(One non-fee paying student per State / intergovernmental organization;  
Additional students: CHF1,000 per student)*

*Category 3:*

Others  
*Fee: CHF1,000*

Please note that registration of participants in categories 1 and 2 must be accompanied by an endorsement from the representative to the UPOV Council of the UPOV member or observer, as appropriate, formally nominating the participant.

More detailed information concerning the course content and on-line registration is available on the UPOV website: [http://www.upov.int/resource/en/dl205\\_training.html](http://www.upov.int/resource/en/dl205_training.html).

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[End of Annex III and of document]