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UPOVUPOV/C(Extr.)/ I/2
Original: English
Date: April 5, 1973INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGENUNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALESINTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

COUNCIL

First Extraordinary Session

Geneva, April 5, 1973

1. In accordance with Article IV of the Rules of Procedure of the Council, the Council was convened by its President to its First Extraordinary Session to discuss and decide on urgent problems.
2. The list of participants is annexed to this report.
3. The Chairman introduced document UPOV/C(Extr.)/VII/1 containing the Draft Agenda. The Agenda was unanimously adopted as set out in the document.
4. The Vice Secretary General gave a short introduction to item 1 of the Agenda. He referred to the discussions at the last Council meeting in November (document UPOV/C/VI/12, paragraphs 63 and 64) in which the Council had taken note of the expediency of amending the Rules on the procedures for technical and administrative cooperation between UPOV and the Unions administered by BIRPI (document UPOV/C/IV/6) in order to substitute for the reference to BIRPI in that document a reference to WIPO. As the Council knew, the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, had now entered into force and WIPO would succeed to BIRPI.
5. The Council was therefore asked to amend the Rules in document UPOV/C/IV/6 and replace the word "BIRPI" by "WIPO." This would not mean any change in substance, but would merely be an adjustment to meet the actual situation now that the WIPO Convention had entered into force.
6. The procedure after approval would be the following: the Secretariat would prepare a document and submit it to the Swiss Government for approval, after which it would again be presented to the Council.
7. The Council unanimously agreed to the above changes and asked the Secretariat to proceed with this matter.

8. On item 2 of the Agenda, Mr. Skov explained that in Article 6 of the Annex to document UPOV/C/IV/6, it was laid down that the post of Vice Secretary General was to be classified as grade D.1. This was at a time when that grade was the only D grade existing in WIPO. As the WIPO Staff Regulations now provided for the grade of D.2, the Council was requested to establish a similar grade for UPOV in addition to the grade D.1.

9. This amendment would not necessarily mean that grade D.2 was mandatory for each Vice Secretary General in view of the fact that the recommendation as to the grade to be granted would rest with the Council. The addition of the new grade would, however, enable the Council to recommend a promotion to grade D.2 of an existing Vice Secretary General, or the appointment of a person to the post in that grade, where his qualifications and experience so warranted.

10. The Council unanimously agreed to the above amendment.

11. Mr. Skov explained as regards item 3 of the Agenda that the UPOV budget made no provision for the travel costs of persons other than staff members of the Secretariat. As the Chairman of the Council had been invited to represent UPOV at the next ASSINSEL Congress, a decision by the Council was required on the question whether it would specifically authorize that his travel costs and subsistence allowance be borne by the UPOV budget.

12. As the Consultative Working Committee had agreed that a delegation from UPOV should be sent to the USA to discuss the obstacles that had so far prevented that country from becoming a member of UPOV, a decision would also have to be taken on the covering of these costs.

13. The Chairman asked the Council to authorize the Secretary General to pay the travel costs of the Chairman to the ASSINSEL Congress and of the delegation to be sent to the USA. If the budget were not sufficient, he should be allowed to take part of the costs for these two trips out of the Reserve Fund.

14. In answer to a query by the Representative of Denmark, the Chairman said that in the UPOV budget the item for missions did not include provision for the travel of members, but many other organizations provided such possibilities. He therefore requested an extension of the budget for travel to cover the travel costs in cases where the Council or the Consultative Working Committee had requested the Chairman or another member of the Council or of a UPOV Working Group to undertake a mission on behalf of UPOV. In case of insufficient funds, the difference could be taken out of the Reserve Fund.

15. The Representative of Denmark stated that he accepted the proposal that the travel costs of the proposed delegation to the USA should be paid out of the UPOV budget. He emphasized that this mission was a measure to be taken once and for all and that consequently the financial impact could be overlooked. However, a decision to adopt the principle that the Chairman or other Council members should represent UPOV at meetings of professional international organizations would involve recurring expenditure for UPOV which could not be overlooked. He regretted, therefore, that he was unable to accept such a proposal without having it approved beforehand by his Minister.

16. The Chairman said that in this Extraordinary Session the Council could only take a unanimous decision. If a decision were not unanimous it could, of course, be approved later by a majority of three-quarters of the Council in an ordinary session, but that would be too late for the ASSINSEL Congress.

17. The Representative of the United Kingdom recalled that for the representation at an international congress it had already been agreed that the Secretariat should be represented through the Vice Secretary General but she was not convinced that UPOV should cover the costs of representation by the Chairman of the Council. The Chairman of the Council would frequently change, while the Vice Secretary General normally stood for the continuity of UPOV and thus should represent UPOV.

18. The costs for the delegation to the USA was quite a different matter and the Representative of the United Kingdom was agreeable that these be paid out of the UPOV budget.

19. The Representative of the Netherlands agreed with the statements of the Representative of the United Kingdom. He further asked if it was an international custom that, besides the staff of the Secretariat, the Council also had to be represented.

20. The Chairman answered that, from his experience in international organizations, the highest organ would also be represented, either through its president or its chairman, but this would not happen all the time. He agreed that a long distance would involve high costs and this, in many cases, would not allow travel, but in the given case the short distance would be no obstacle. It was not only the Secretariat, which provided for continuity, that represented the Organization, but also the Council.

21. As opinions on this item were too divergent, the Chairman withdrew his request.

22. The Council unanimously agreed to cover the travel costs of the delegation to the USA from the UPOV budget. The Council's decision is reproduced in document UPOV/C(Extr.)/VII/3.

23. As there were no further items to be discussed, the Chairman closed the First Extraordinary Session of the Council.

/Annex follows/

COUNCIL

First Extraordinary Session

Geneva, April 5, 1973

LIST OF PARTICIPANTSI. STATESDenmark

Mr. Edvard SØNDERGAARD, Chairman, Plant Varieties Board, Rolighedsvej 26, 1958-Copenhagen V

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Germany (Federal Republic of)

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Mr. Sigvard MEJEGAARD, Lord Justice of the Court of Appeal, Slättgaardsvägen 46, 12658-Hägersten

United Kingdom

Miss Edith Vera THORNTON, Deputy Controller, Plant Variety Rights Office, Murray House, Vandon Street, London SW1H OAG

II. OFFICERS

Prof. Dr. Ludwig PIELEN, Chairman

III. REPRESENTATIVES OF UPOV

Prof. G.H.C. BODENHAUSEN, Secretary General

Mr. H. SKOV, Vice Secretary General

Dr. M.-H. THIELE-WITTIG, Administrative and Technical Assistant