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UPOV/C/V/16

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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

COUNCIL

Fifth Session

Geneva, October 13 to 15, 1971

AMENDMENT OF THE CONVENTION

Report by the Secretary General

1. At the fourth meeting of the Council the desire was expressed for an early revision of the contribution classes laid down in Article 26 of the Convention.
2. At the fourth meeting of the Consultative Working Committee on May 6 and 7, 1971, the Working Committee discussed the problem of contribution classes as well as the questions of weighted votes in budgetary matters and the suspension of voting rights of a State being in arrears in the payment of its contributions. The Working Committee adopted a draft resolution on these points, and on the question of voluntary contributions from some member States (see document UPOV/C/V/6), to be submitted to the Council. The draft resolution is contained in the Annex to this document.

3. In the event of the adoption of the resolution by the Council, the Council will have to decide on the following points:

- (i) place and date of the Revision Conference;
- (ii) whether a drafting committee should be established, and, if so, the composition of that committee.

4. The Secretary General invites the Council to adopt the draft resolution and to consider the questions raised in paragraph (3) above.

/End of document,
Annex follows/

Annex to document UPOV/C/V/16

DRAFT RESOLUTION

The Consultative Working Committee of UPOV at its fourth meeting in Geneva, on May 7, 1971, unanimously decides to submit for adoption by the fifth meeting of the Council, to be held in Geneva on October 14 and 15, 1971, the following resolution:

THE COUNCIL,

Considering that, for the purposes of determining the amount of their annual contribution, the member States of the Union for the Protection of New Plant Varieties are divided, according to Article 26(2) of the Paris Convention of 1961 which established the said Union, into three classes,

Considering that, according to the same provision, each member State in Class I contributes five units; each member State in Class II three units; and each member State in Class III one unit,

Considering that, in the light of the experience gained since the entry into force of the Convention, the system provided in that Convention does not allow for sufficient differentiation among the member States as to the relative share in the total of the contributions that should be allotted to each of them,

Considering that it would be desirable to amend the above-mentioned provisions as soon as possible,

Considering that, in view of the time necessary for the ratification of such revision of the Convention, entry into force of the revised text cannot be expected until after several years,

1. Decides that, in derogation of Article 27(2) of the Convention a Conference for the revision of the Convention should take place in 1972;
2. Decides that such revision should be prepared along the following lines and be limited to the following subjects:

- (a) For the purpose of determining the amount of the annual contributions of the member States of the Union, the following five classes and corresponding units should be established:

<u>Class</u>	<u>Units</u>
I	5
II	4
III	3
IV	2
V	1

- (b) At the request of a member State or a State requesting accession to the Union according to Article 32 of the Convention, the Council may decide in special circumstances that such State will have to pay only half of the contribution corresponding to Class V.
- (c) Each State shall freely indicate the class in which it wishes to be placed. No objective criteria on this subject shall be laid down in the Convention, but it is expected that, if

necessary after consultation with the Secretary General, the States concerned will make a realistic assessment of their financial obligations towards the Union.

- (d) The system of the Convention under which each member State has one vote shall be continued.
- (e) The voting rights shall be suspended for each State in the case of arrears in the payment of its contributions equal to or exceeding the amount of the contribution due from it for the preceding two full years, unless, in the opinion of the Council, the delay in payment is due to exceptional and unavoidable circumstances.
- (f) In the case of suspension of the voting rights, all other obligations and rights of the State concerned shall subsist.

3. Invites those present and future member States which, in a more flexible future system, may choose to contribute on the basis of a number of units whose value is somewhere between the number of units now assigned to the existing classes voluntarily to increase as from 1972 their share in the total of the contributions, without any prejudice to their final indication of the class in which they wish to be placed after the entry into force of the revised Convention;

4. Recommends, with a view to obtaining an equitable distribution, that as from 1972 the following member States should voluntarily increase their present contributions as follows:

- (i) Netherlands: By 100%
- (ii) Denmark: by 50%;

5. Suggests, in case of accession to the Union by Sweden, and if that country indicates its desire to be placed in Class III, in the present system, that it accept the same increase as that recommended for Denmark.

/End of Annex/