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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

**Twelfth Ordinary Session
Geneva, December 6 to 8, 1978**

DRAFT PROGRAM AND BUDGET FOR 1979

presented by the Secretary GeneralThe Present Document

1. The present document contains an introduction and two chapters followed by Annexes.

(i) The Introduction contains, in particular, a comparison by budget heading of the expenditure and income proposed for 1979 with the 1978 budget as adopted.

(ii) Chapter I (Summary of Budget) contains a summary of income and expenditure proposed for 1979 as compared with the budget adopted for 1978, and also gives the actual figures for 1977.

(iii) Chapter II (Program and Expenses) describes each activity proposed and gives its cost wherever applicable.

(iv) Annex A contains a description of the budget headings.

(v) Annex B shows the contribution payable by each member State on the assumption that the total amount of contributions proposed in the present budget is adopted and on the basis of the present membership of UPOV (10 member States, contributing a total of 26 units).

INTRODUCTION

Program

2. The program is to a great extent a continuation of the work done in previous years. Some additional activities are, however, included:

(i) follow-up work of the Diplomatic Conference (as was already mentioned when presenting the program and budget for 1978, see document C/XI/4, paragraph 3);

(ii) tasks likely to be initiated or strengthened by decisions taken in that Diplomatic Conference.

3. The follow-up work of the Diplomatic Conference will mainly consist of the following activities:

(i) The Office of the Union will prepare the summary minutes of the Diplomatic Conference and will submit them to the participants in that Conference for comments. The Office of the Union will also prepare the manuscript of the "Records of the Diplomatic Conference" (Actes de la Conférence diplomatique) which will reproduce the

Conference documents, the summary minutes, the adopted texts, indexes and other relevant material. These Records will, unlike the Records of the Diplomatic Conferences of 1957 to 1961 and 1972, be published in more than one--at least in three--languages. This activity will extend over several years.

(ii) All UPOV documents issued in the past years in connection with the application and implementation of the UPOV Convention at the national level, all information brochures and leaflets in the different languages in which they were issued as well as all the administrative rules of UPOV will have to be examined to see whether they are compatible with the revised text of the UPOV Convention; where necessary, their adaptation to that new text will have to be prepared.

(iii) A number of measures will be taken to assist States in activating ratification of, or accession to, the revised text of the UPOV Convention; the Office will render assistance to all States wishing to adapt their national laws to that revised text or to introduce, on the basis of that text, plant breeders' rights legislation for the first time; it will review the draft of legislative texts and it will intensify its contacts to member States, non-member States and specialized non-governmental organizations, in order to help to create the conditions necessary for the entry into force of the revised text and to avoid any discrepancy between that revised text and the national legislations of member States and future member States. In view of the fact that it is hoped that the Diplomatic Conference will remove a number of obstacles for adhering to the UPOV Convention, all other activities to increase the membership of UPOV will also be intensified.

(iv) It is possible that the discussions in the Diplomatic Conference will show the necessity or at least the desirability to negotiate special agreements between some of the member States wanting to intensify their cooperation. Should such need--or wish--become evident, proposals will have to be made by the delegation of one of the member States or, on request, by the Office of the Union, and will have to be studied and discussed by the competent UPOV Committees (the Administrative and Legal Committee and/or the Technical Committee) to form a sufficient basis for the Council to take the necessary decisions. One delegation has already announced its intention to present its first ideas concerning the long-term development of the Union and the Consultative Committee has declared its interest in those ideas (see document CC/XVII/6). It might be possible that the Administrative and Legal Committee will have to establish a sub-committee to deal with the new task described in this subparagraph.

4. The new activities that are likely to be initiated or strengthened by the Diplomatic Conference are as follows:

(i) creation or intensification of activities of special interest to developing countries. As already has been mentioned last year (see document C/XI/4, page 4 paragraph 5), plant breeding plays an important role in the development of agriculture, which is a paramount objective of most of the developing countries, and it is only natural for an intergovernmental organization with world-wide aspirations to assist such countries.

(ii) preparation of a draft UPOV Model Law for Plant Variety Protection on which preliminary work has already been started by the Office of the Union, but could not be finalized before the Diplomatic Conference has been concluded so that its results (especially the revised text of the substantive provisions of the Convention) can be taken into account. As has already been mentioned in document C/XI/4 (paragraph 2 (ii)), the elaboration of this Model Law, which has been proposed by several non-member States from different parts of the world, would help States intending to become members of UPOV to adopt legislation compatible with the UPOV Convention. It should speed up the preparation of national legislation and facilitate discussions with national interested circles and before national parliaments. Furthermore, it may lead to a certain harmonization of the national laws of future member States. The Model Law would be drafted by the Office of the Union with the advice and under the supervision of the Administrative and Legal Committee.

5. The following activities will be continued:

(i) Member States will, as in the past, exchange information and experience in the field of plant variety protection, and will, in this context, discuss special problems arising in that field, as for instance the relation between competition law and plant variety protection. The organs of UPOV will serve, as until now, as a forum for exchange of information and experience.

(ii) Member States will study the possibilities to enlarge and improve the cooperation in the examination of new varieties on the basis of bilateral agreements. Where, as was claimed by one international non-governmental organization, difficulties arise in such cooperation, the problems will be examined and solutions sought.

(iii) The competent UPOV bodies (Technical Committee and the five Technical Working Parties) will continue to establish guidelines for the examination of distinctness, homogeneity and stability and to revise these guidelines which have already been adopted in the past on the basis of the experience gained.

(iv) The Administrative and Legal Committee will study all problems connected with variety denominations and with the national fees and will especially consider the possibilities to harmonize national fees. These tasks were formerly performed by two special Working Groups, the Working Group on Variety Denominations and the Fee Harmonization Working Party.

(v) The harmonization of the methods of data recording and interpretation will be tackled by the Technical Committee. The Technical Committee will also try to solve all other problems of a technical nature.

Staff

6. The Office of the Union will try to cope with the above described workload with the existing staff, not counting additional short-term secretarial help to be employed for the follow-up work of the Diplomatic Conference only.

Budget Headings

7. The budget headings (described in Annex A) are the same as in the budget of 1978.

Comparison of the Draft Budget for 1979 with the 1978 Budget as Adopted

8. Expenses in General

	<u>1978</u>	<u>1979</u>
In thousands of francs*	1138	1177
Percentage above previous year		+ 3.4%

The reasons for the increase are explained in detail in paragraph 9 below.

9. Expenses According to Objects of Expenditure

These are taken in the order in which they appear in the table in Chapter I.

A. Salaries and Common Staff Costs

	<u>1978</u>	<u>1979</u>
In thousands of francs	588	620
Percentage above previous year		+ 5.4%

The net increase of 32,000 francs is due to the following factors:

(a) Factors Causing Increases

(i) Provision for within-grade increases (due to seniority) for staff continuing in service (except the Secretary-General, who does not receive such an increase and the Vice Secretary-General who will not receive such an increase in 1979 since, at his grade, within-grade increases only occur every second year): 8,000 francs.

(ii) increase due to higher rates for UPOV's share in sickness insurances: 2,000 francs.

* In this document "francs" means Swiss francs.

(iii) provision for increases in post adjustments, general service salary scales (only for those "G" staff members recruited under the new salary scales effective January 1978) and possible promotions of junior grades: 16,000 francs.

(iv) provision for increases in pensionable remuneration (brought about by the movement in the world-wide average of post adjustments in the United Nations System): 3,000 francs.

(v) additional cost for 1979 in respect of posts costed in 1978 budget for a period of less than 12 months: 34,000 francs.

The total of factors (i) to (v) above is 63,000 francs.

(b) Factors Causing a Decrease

(i) 21,000 francs represent overcosting in the 1978 budget, mainly since the inflation factor incorporated in the 1978 budget did not materialize fully (for instance, no increase in salary has been received by staff in the professional and higher categories).

(ii) decrease in the provision in staff costs, other than salaries, due mainly to the fact that amounts provided for in the 1978 budget for recruiting expenses, installation grants and moving expenses in respect of new staff will not be necessary in 1979: 10,000 francs.

The total of factors (i) and (ii) above is 31,000 francs. The net increase is therefore 63,000 - 31,000 = 32,000 francs.

B. Travel on Official Business*

	<u>1978</u>	<u>1979</u>
In thousands of francs	31	26
Percentage below previous year	-	- 16.1%

The decrease of 5,000 francs is due to the fact that the number of sessions of Technical Working Parties has been reduced to five and that it is intended to reduce the number of missions for participating to the said sessions.

C. Contractual Services

(a) Conferences

	<u>1978</u>	<u>1979</u>
In thousands of francs	118	55
Percentage below previous year	-	- 53.4%

The decrease of 63,000 francs is due to the fact that provisions made in 1978 for simultaneous interpretation and other conference expenses relating to the Committee of Experts meeting on UPOV Model Law for Plant Variety Protection** (13,000 francs) and the Diplomatic Conference (70,000 francs) will not be necessary in 1979. These savings are partly offset by provisions for simultaneous interpretation in the Technical Committee (for which no interpretation was provided for in the past years).

* Heading abbreviated to "Travel" in budget tables.

** This meeting did not take place in 1978 but the funds were used for a meeting of the Administrative and Legal Committee.

(b) Printing

	<u>1978</u>	<u>1979</u>
In thousands of francs	6	43
Percentage above previous year	-	+ 616%

The increase of 37,000 francs is mainly due to provisions for the printing of the Records of the Diplomatic Conference (in one language in 1979) and for the publication of new editions of all General Information Brochures of UPOV.

(c) Other

	<u>1978</u>	<u>1979</u>
In thousands of francs	3	35
Percentage above previous year	-	+ 1066%

The increase of 32,000 francs is due to provision for translation in preparation of the publication of the Records of the Diplomatic Conference in the three working languages of UPOV (even though the printing in two of these languages will be postponed to later years).

D. General Operating Expenses

In the present draft budget of expenses proper to UPOV, this heading includes only one subhead:

	<u>1978</u>	<u>1979</u>
Rental of premises	27	26
Percentage below previous year	-	- 3.7%

The decrease of 1,000 francs is due to the reassessment of the rent payable by UPOV for the offices occupied in the new WIPO building.

E. Supplies and Materials

	<u>1978</u>	<u>1979</u>
In thousands of francs	2	2
Percentage above previous year	-	+ 0%

F. Furniture and Equipment

	<u>1978</u>	<u>1979</u>
In thousands of francs	11	2
Percentage below previous year	-	- 81.8%

The decrease of 9,000 francs is mainly due to the fact that the provision made in 1978 for furnishing offices for new staff members will not be necessary in 1979.

G. Other Expenses

(a) Unforeseen

	<u>1978</u>	<u>1979</u>
In thousands of francs	8	8
Percentage above previous year	-	+ 0%

(b) Common Expenses

	<u>1978</u>	<u>1979</u>
In thousands of francs	344	360
Percentage above previous year	-	+ 4.6%

The increase roughly follows the increase in the budget for 1979 since the proportion of common expenses to total expenses--which was 30.2% of the 1978 budget--will represent 30.6% of the total budget for 1979.

10. Financing of the Expenses of 1979

It is proposed that the expenses of 1,177,000 francs (see paragraph 8, above) be so financed that the total amount of the contributions (1,113,000 francs)--and the share of each of the ten member States--remain the same for 1979 as it is for 1978. Since the amount of miscellaneous income is expected to remain the same in 1979 as it is in 1978 (that is, 25,000 francs), the difference in the expenditure budgeted for 1978 (1,138,000 francs) and for 1979 (1,177,000 francs)--that is, 39,000 francs--would be financed from the Reserve Fund which, at the end of 1977, stood at 82,319 francs, and which, at the end of 1978, is expected to increase by at least 50,000 francs.

In tabulated form, the above proposals give the following (in thousands of francs):

	<u>1978</u>	<u>1979</u>	<u>1978</u>	<u>1979</u>
Expenditure	<u>1138</u>	<u>1177</u>		
Income				
Contributions			1113	1113
Miscellaneous			25	25
Utilization of Reserve Fund			-	39
			<u>1138</u>	<u>1177</u>

11. The Council is invited to adopt the program and budget of the Union for 1979.

CHAPTER I
SUMMARY OF BUDGET AND COMPARISONS
(expressed in thousands of francs)

1977 <u>Actual</u>	1978 Adopted <u>Budget</u>		1979 Proposed <u>Budget</u>
INCOME			
895	1,113	Contributions	1,113
		Miscellaneous Income	
7	7	- Publications	7
10	18	- Other	18
-	-	Utilization of Reserve Fund	39
912	1,138		1,177
===	=====		=====
EXPENDITURE			
463	588	UV.09 Salaries and Common Staff Costs	620
21	31	<u>Travel on Official Business:</u>	26
		UV.04 - Technical Working Parties	6
		UV.08 - Contacts with Governments and Organizations	20
		<u>Contractual Services:</u>	
40	118	- <u>Conferences</u>	55
		UV.01 - Council	9
		UV.02 - Consultative Committee	9
		UV.03 - Technical Committee	18
		UV.04 - Technical Working Parties	1
		UV.05 - Administrative and Legal Committee	18
8	6	- <u>Printing</u>	
		UV.06 - Information and Documentation	43
-	3	- <u>Other</u>	
		UV.06 - Information and Documentation	35
25	27	UV.10 <u>General Operating Expenses - Rental of Premises</u>	26
2	2	UV.10 <u>Supplies and Materials</u>	2
1	11	UV.10 <u>Furniture and Equipment</u>	2
3	8	UV.10 <u>Other Expenses</u>	8
563	794	Sub-Total: <u>EXPENSES PROPER TO UPOV</u>	817
285*	344*	UV.11 Common Expenses	360*
848	1,138	TOTAL EXPENSES	1,177
===	=====		=====

* Exclusive of UPOV share in the WIPO common income which is included under "Miscellaneous Income - Other", above.

UV.08	CONTACTS WITH GOVERNMENTS, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS
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The Office of the Union will, with greater emphasis than in previous years in view of the new situation after the Diplomatic Conference, maintain contacts with Governments of both member States and non-member States, with interested intergovernmental organizations, particularly the Food and Agriculture Organization of the United Nations (FAO), the Organization for Economic Cooperation and Development (OECD) as well as the European Economic Community (EEC) and the European Free Trade Association (EFTA), with the International Seed Testing Association (ISTA) and with the main international non-governmental organizations working in the field of plant breeding and the seed trade or in related fields such as the AIPH, the ASSINSEL, the CIOPORA, the EUCARPIA, the FIS and the International Commission for Nomenclature of Cultivated Plants of the International Union of the Biological Sciences and, finally, with international organizations having a general competence in the field of intellectual property rights such as AIPPI and ICC, in order to

- (i) inform them, and discuss with them on, the objectives and activities of UPOV, especially on the amendments adopted by the Diplomatic Conference;
- (ii) learn about their activities and their position regarding UPOV and amendments of the UPOV Convention adopted by the Diplomatic Conference;
- (iii) institute, where appropriate, exchange of publications, mutual attendance of certain meetings, and other means of cooperation;
- (iv) hear the views of such organizations as to the priorities that ought to be fixed in the field of international cooperation concerning plant breeders' rights and as to other questions of mutual interest;
- (v) establish and maintain contacts with non-member States envisaging ratification of or accession to the UPOV Convention.

The Office of the Union will also try to maintain contacts with an organization representing the interests of users of plant varieties.

	TOTAL	Staff	Man/Months		Travel		Contractual Services				Operating Expenses	Supplies & Materials	Furniture & Equip.	Premises	Fellowships	Other Expenses
			(P & Sp.)	(G)	Missions	3rd. Party	Conferences	Consult.	Printing	Other						
UV.08	20				20											

UV.09	SALARIES AND COMMON STAFF COSTS
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The Office of the Union will continue to consist of the Secretary-General, the Vice Secretary-General, three staff members in the Professional category and three in the General Services category.

	TOTAL	Staff	Man/Months		Travel		Contractual Services				Operating Expenses	Supplies & Materials	Furniture & Equip.	Premises	Fellowships	Other Expenses
			(P & Sp.)	(G)	Missions	3rd. Party	Conferences	Consult.	Printing	Other						
UV.09	620	620	(48)*	(36)												

* excluding the Secretary General

UV.10		OTHER ADMINISTRATIVE AND PROGRAM SUPPORT EXPENSES													
<p><u>Operating Expenses:</u> <u>Rental of premises:</u> The Office of the Union will continue to occupy space in the WIPO Building.</p> <p><u>Supplies and Materials:</u> Stationery and office supplies, subscriptions to periodicals, purchase of dictionaries, technical literature, etc., for the exclusive use of the Office of the Union.</p> <p><u>Furniture and Equipment:</u> Cost of office furniture and equipment, purchased for the exclusive use of the Office of the Union.</p> <p><u>Other Expenses:</u> <u>Unforeseen expenses:</u> As in previous years, approximately one percent of the total expenses proper to UPOV is budgeted for expenses not specifically provided for in this Chapter or for unforeseen expenses.</p>															
TOTAL	Staff	Man/Months		Travel		Contractual Services				Operating Expenses	Supplies & Materials	Furniture & Equip.	Premises	Fellowships	Other Expenses
		(P & Sp.)	(G)	Missions	3rd. Party	Conferences	Consult.	Printing	Other						
UV.10	38										26	2	2		8

UV.11		COMMON EXPENSES															
<p>UPOV's share in the common expenses is, where possible, based on a calculation of the services actually rendered by WIPO; otherwise, it is based on an estimation of the value of such services. Reference is made to WIPO document AB/IX/2 (available in English and French only), where specifications and explanations are given. The attention of the Council is drawn, in particular, to paragraph 7 of the said document; to items MG.01, ER.01, ER.03, ER.04, ER.05, SA.01, SA.02, SA.03, SA.04, SA.05, SA.06, SA.07, SA.08, SA.10, SA.11, SA.12, SA.13, SA.14 and to Chapter I, Tables 1 and 2. It is to be noted that, in estimating the percentage allocated to UPOV in item MG.01, the indemnity of the Secretary-General of UPOV is not taken into account. Summary details of these expenses are as follows:</p>																	
		1977 <u>Actual</u>		1978 <u>Budget</u>												1979 <u>Draft Budget</u>	
		184.7		233		Salaries and Common Staff Costs										242	
		0.1		2		Printing										2	
		2.6		5		Other Contractual Services										8	
				47		Maintenance of Premises										40	
		27.1		11		Rental of Premises (other than those of the UPOV Offices)										2	
		18.9		31		Communications										29	
		50.9		12		Supplies and Materials; Furniture and Equipment										33	
		0.5		3		Other Expenses (Unforeseen)										4	
		<u>284.8*</u>		<u>344*</u>												<u>360*</u>	
		=====		===												===	
TOTAL	Staff	Man/Months		Travel		Contractual Services				Operating Expenses	Supplies & Materials	Furniture & Equip.	Premises	Fellowships	Other Expenses		
		(P & Sp.)	(G)	Missions	3rd. Party	Conferences	Consult.	Printing	Other								
UV.11	360														360		

* Exclusive of UPOV share in WIPO common income which is included under "Miscellaneous Income - Cther".

[Annexes follow]

ANNEX A

BUDGET HEADINGS AND DEFINITIONS

A. INCOME

"Contributions"

Mandatory contributions payable by member States under Article 26 of the UPOV Convention.

"Miscellaneous"

All other income including bank interest and sales of brochures and newsletters; accounting adjustments (credits) in respect of prior years.

B. OBJECTS OF EXPENDITURE

"Salaries & Common Staff Costs"

Basic salaries, post adjustments, non-resident allowances, dependency and language allowances, education grants, employer's contribution towards Pension Fund, participation in sickness and accident insurance scheme, recruitment costs, installation and removal expenses, and any other payments made to or on behalf of staff members under the Staff Rules and Regulations.

"Travel on Official Business"

Missions: travel expenses and daily subsistence allowances for the staff of the Office of the Union on official missions.

Third Party Travel: travel expenses and daily subsistence allowances (DSA) for persons other than the staff of the Office of the Union (except trainees whose travel and DSA are included under "Fellowships," below; except also travel of consultants, interpreters, etc., see below).

"Contractual Services"

Conferences: interpreters; translators; minute writers; renting of premises, offices, and simultaneous interpretation equipment; translation, reproduction and printing of documents made under contract; cost of engaging supernumeraries (telephonists, secretaries, ushers, and others); cost of carriage of documents; refreshments and receptions; other expenses connected with conferences. Travel of interpreters, translators, or other persons engaged specifically for a conference.

Consultants: All expenses connected with the employment of consultants, in particular: honorarium, travel and DSA.

Printing: Printing and binding outside WIPO, in particular: (i) reviews: paper and printing; (ii) other printing: reprints of articles published in reviews; brochures; treaties; collections of texts; manuals; working forms and other miscellaneous printed material.

Other: All other contractual services, in particular: fees of authors and translators of articles appearing in publications, fees of translators of documents (except those concerning conferences), rental of computer time and fees for producing computer software.

"General Operating Expenses"

Rental of premises: Rental value of premises which are used exclusively by the Office of the Union. (This item does not include the contribution of UPOV to the WIPO common expenses for the space occupied by the Common Services).

Maintenance of premises: cleaning; repairs; building insurance; upkeep of park; supervision of installations; wages and insurance of cleaning staff; heating; lighting; water.

Rental and Maintenance of Equipment and Furniture: rental and maintenance of all equipment and furniture, in particular: office furniture and machines; reproduction equipment; data processing equipment; transportation equipment including petrol and lubricants.

Communications: cost of telephone, telegrams, telexes and mail, including installation, upkeep and rental of telephone equipment and sets; installation, upkeep and rental of telex machines; postage; carriage of documents (other than those concerning conferences).

Other: all general operating expenses not described above, in particular: hospitality; bank charges; interest on bank and other loans (except building loans); exchange losses; audit fees and expenses connected thereto.

"Supplies and Materials"

All supplies and materials, in particular: stationery and office supplies; internal reproduction supplies (offset, microfilms, etc.); library books and subscriptions to reviews and periodicals; uniforms; data processing supplies (magnetic tapes, cards, etc.).

"Acquisition of Furniture and Equipment"

Purchases of furniture and equipment, in particular: office furniture and office machines; data processing equipment; conference servicing and reproducing equipment; transportation equipment.

"Acquisition and Improvement of Premises"

New Buildings: expenses directly connected with the acquisition or construction of buildings not covered by building loans. Includes, in particular: additions to existing premises and purchase of land.

Improvements to Premises: expenses connected with the alterations, improvements or major maintenance of existing buildings not covered by building loans.

Amortization of Loans: repayment of loans originally obtained for New Buildings or Improvements as defined above, including interest on such loans.

"Fellowships"

Includes, in particular: travel, DSA and other expenses in connection with trainees.

"Other Expenses"

Expenses not specifically provided for above, unforeseen expenses and account-in adjustments (debits) in respect of prior years; expenses payable to WIPO for services rendered to UPOV.

(Annex B follows)

ANNEX B
 YEARLY CONTRIBUTIONS OF MEMBER STATES
 (expressed in francs)

<u>1977</u>	<u>1978</u>	<u>Member States</u>	<u>Number of Units</u>	<u>Proposed Budget 1979</u>
42,619	64,212	Belgium	1½	64,212
63,929	64,212	Denmark	1½	64,212
213,095	214,038	France	5	214,038
213,095	214,038	Germany, Federal Republic of	5	214,038
-	85,615	Italy	2	85,615
85,238	85,615	Netherlands	2	85,615
-	42,808	South Africa	1	42,808
63,929	64,212	Sweden	1½	64,212
-	64,212	Switzerland	1½	64,212
213,095	214,038	United Kingdom	5	214,038
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895,000	1,113,000		26	1,113,000
=====	=====		=====	=====

[End of Annex B
and of document]