



C/33/18

ORIGINAL: English

DATE: November 16, 2000

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL**Thirty-third Ordinary Session
Geneva, October 20, 1999**

REPORT

*adopted by the Council*Introduction

- 1.* The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirty-third ordinary session in Geneva on October 20, 1999, under the chairmanship of Mr. Ryusuke Yoshimura (Japan).
2. The list of participants is given in Annex I to this document.
3. The paragraphs with numbers followed by an asterisk have been taken from the Record of the decisions adopted by the Council at the end of the session (document C/33/17).

Opening of the Session

4. The session was opened by the President who welcomed the participants. He extended a special welcome to the Delegations of Bolivia, Brazil, Kenya, Panama and Slovenia, States that had become members of UPOV since the last ordinary session of the Council.
5. The Delegation of Brazil stated that it was a great honor for its country to have become a member of this important world organization which governs plant variety protection. Its country intended to show that its plant variety protection law and Brazil's joining UPOV

would contribute to a radical transformation of the Brazilian seed system and have consequences for the development of its agriculture. The alignment of Brazil with international organizations such as UPOV reflects the course which the Ministry of Agriculture has set for the national seed sector and which it firmly intends to follow. Brazil intended to participate actively in working groups and committees, contributing the resources of Brazilian research in the field of plant breeding and benefiting from the developments in other member States. It wished to thank especially the Vice Secretary-General of UPOV for his interest in facilitating Brazil's joining of the Union and Raimundo Lavignolle, Gustavo Blanco, Adelaida Harries and Luis Salaices for their guidance.

6. The Delegation of Kenya thanked the President and acknowledged the advice and support which its country had received from the Office of UPOV which went far beyond what the Office might usually do; the plant variety protection system was very important for Kenya which was an agricultural country. Kenyan breeders were now pressing to amend the law to conform with the 1991 Act of the UPOV Convention. It requested the Office to provide the same advice and support to other African countries, particularly in its region.

7. The Delegation of Slovenia thanked the President and expressed its thanks to the Office of UPOV whose officials had helped its country to join UPOV. It also expressed its thanks to the delegations of those member States which helped its country, particularly in the technical field, to join UPOV.

Adoption of the Agenda

8. The Council adopted the agenda as given in document C/33/1 Rev., noting that it was required to examine the laws of Lithuania, Tajikistan, the Republic of Korea and Egypt under agenda item 4.

Adoption of the Report on the Thirty-Second Ordinary Session

9. The Council adopted the report as given in document C/32/16 Prov.

Examination of the Conformity of the Legislation of any State and any Organization Having Submitted a Request under Article 34(3) of the 1991 Act of the UPOV Convention

Lithuania

10.* Discussions were based upon document C/33/13.

11.* The Council decided

(a) to advise the Government of Lithuania that the Law, being based upon the principles of the 1978 Act of the Convention, did not incorporate some important provisions of the Convention;

(b) to request the Office of the Union to offer its assistance to the Government of Lithuania in drafting the necessary amendments to the Law;

(c) to further advise the Government of Lithuania that upon the adoption of the necessary amendments to the satisfaction of the Office of the Union and the making of implementing regulations, it may deposit an instrument of accession to the Convention.

Tajikistan

12.* Discussions were based upon document C/33/14.

13.* The Council decided

(a) to advise the Government of Tajikistan that the Law, after the adoption of suitable regulations, provided the basis for an Act conforming with the Convention, and that it may deposit an instrument of accession to the Convention after making such regulations;

(b) to further advise the Government of Tajikistan that it may wish to correct the minor deviations and inconsistencies described in document C/33/14 at the earliest opportunity;

(c) to request the Office of the Union to offer its assistance to the Government of Tajikistan for the drafting of any regulations and the correction of the Law.

Republic of Korea

14.* Discussions were based upon document C/33/15.

15.* The Council decided to

(a) advise the Government of the Republic of Korea that the Law in its main provisions incorporated the substance of the Convention, and that it may deposit an instrument of accession to the Convention;

(b) further advise the Government of the Republic of Korea that it may wish to correct the deviations and inconsistencies described in document C/33/15 at the earliest opportunity;

(c) request the Office of the Union to offer its assistance to the Government of the Republic of Korea in the preparation of a revised translation into one or more of the official languages.

Egypt

16.* Discussions were based upon document C/33/16.

17.* The Council decided to

(a) advise the Government of Egypt that the Draft Decree, when supplemented by provisions designed to satisfy the matters referred to in paragraphs 12 and 22 of document C/33/16, provided a basis for a law conforming with the 1991 Act;

(b) request the Office of the Union to offer its assistance to the Government of Egypt in respect of the minor additional provisions that were necessary to achieve conformity;

(c) to further advise the Government of Egypt that after the making of a Decree based upon the Draft Decree and incorporating the suggestions set out in paragraphs 12 and 22 of document C/33/16, it may deposit an instrument of accession to the 1991 Act.

Report by the Vice-President on the Work of the Fifty-Seventh and Fifty-Eighth Sessions of the Consultative Committee; Adoption of Recommendations, if Any, Prepared by That Committee

18. The Vice-President reported that the fifty-seventh session of the Consultative Committee held on March 26, 1999, had reviewed the implementation of the 1991 Act within member States and found that many member States which had not yet ratified or acceded to that Act had or were enacting the necessary legislation. The Committee had also discussed the review taking place in 1999 of Article 27.3(b) of the Agreement on Trade-Related Aspects of Intellectual Property (the TRIPS Agreement) and received a report, prepared by the Office of the Union, on biodiversity, plant genetic resources and plant variety protection.

19. The Vice-President further reported that the fifty-eighth session of the Consultative Committee had commenced the previous day and had adjourned. It had given preliminary consideration to the laws of Lithuania, Tajikistan, the Republic of Korea and Egypt and to the draft Program and Budget for the 2000-2001 Biennium. The Committee had re-discussed the closing of the 1978 Act to further accessions, reaffirmed its earlier decision on the subject and recommended that India, Nicaragua and Zimbabwe be given additional time to complete the formalities for accession to the 1978 Act. It had discussed once more the aforementioned review of Article 27.3(b) of the TRIPS Agreement and biodiversity issues.

20. The Consultative Committee had also discussed a document of the Secretary-General announcing that Mr. Barry Greengrass, Vice Secretary-General, planned to retire the following year. It decided to establish an Open-Ended Sub-Committee of the Consultative Committee to further discuss the modalities for appointing the successor to Mr. Greengrass. That topic was to be further discussed later on the same day at the continuation of the Committee's session.

21.* On the basis of a recommendation by the Consultative Committee, the Council unanimously decided

(a) to reconfirm its decision, taken on April 29, 1997, to allow certain States to deposit an instrument of accession to the 1978 Act at any time prior to the first anniversary of the coming into force of the 1991 Act, and

(b) to authorize the Secretary-General, after consultation with the President of the Council, to accept instruments of accession to the 1978 Act by India, Nicaragua and Zimbabwe provided that the depositing State had, in the opinion of the Secretary-General after consultation with the President of the Council, acted expeditiously to complete its legislation and any UPOV formalities and to effect the deposit.

22. The Delegation of India expressed its thanks to the Council and the Consultative Committee for the granting of extra time for the accession of India to the 1978 Act of the

Convention. The Government of India would deposit its instrument of accession to the 1978 Act as soon as possible after passing the necessary legislation.

Report by the Secretary-General on the Activities of the Union in 1998; Supplementary Report on Activities During the First Nine Months of 1999

23.* The Council approved the report by the Secretary-General on the activities of the Union in 1998, given in document C/33/2, and noted the report on activities during the first nine months of 1999, given in document C/33/3.

24.* The Council expressed appreciation to the Office of the Union for the work carried out.

Progress of the Work of the Administrative and Legal Committee

25.* The Council noted the work of the Administrative and Legal Committee in its thirty-ninth session as described in document C/33/9.

26.* In a supplementary oral report, its Chairman, Mr. John Carvill (Ireland), stated that in its fortieth session held on October 18, the Committee had discussed the notion of “breeder,” decided to continue its discussions in its next session and requested a draft UPOV position paper on the subject. It had discussed the definition of “trees” and “vines” for the purpose of the Convention and had asked the Office of the Union to prepare fresh lists of examples with more explanation for its next session. The Committee noted that the special treatment for trees and vines was embodied in the 1991 Act of the Convention and could not be changed. It would consider how the situation might be modified for the future in its next session. The Committee had discussed attempts to limit the breeders exemption by contract and also, whilst recognizing that the Convention can only be modified by a Diplomatic Conference, the procedure that could be followed to modify the practice of member States between Diplomatic Conferences. The next session of the Administrative and Legal Committee would include in addition to the items carried forward, the novelty of inbred lines, variety denominations and signs to indicate that a variety is protected.

Progress of the Work of the Technical Committee and the Technical Working Parties

27.* The Council noted the work of the Technical Committee and the Technical Working Parties as given in document C/33/10 and its addendum, and approved the programs of work for the forthcoming sessions.

Examination and Approval of the Draft Program and Budget of the Union for the 2000-2001 Biennium

28.* Discussions were based on documents C/33/4 and C/33/4 Add.

29.* The Vice Secretary-General observed that the budget summary appearing in Annex C of document C/33/4 showed a decrease to 0 for the “Consultants and Experts” position which was due to the proposal to create a new professional post to handle activities currently carried out by a consultant. However, the impending retirement of Mr. Max-Heinrich Thiele-Wittig

would require the provision of consultants and experts services in the technical area, in particular in the period preceding the appointment of his successor. There will consequently be some costs incurred for consultancy services in lieu of staff expenses.

30.* It was also noted that in Annex D to document C/33/4, the subtitle should read: “in Swiss francs.”

31.* Subject to the observation and the correction recorded in the preceding two paragraphs, the Council unanimously adopted the program and budget for the 2000-2001 biennium, and the scale of contributions of member States, as proposed in documents C/33/4 and C/33/4 Add.

32.* The contributions payable in January 2000 and in January 2001 by member States are set out in Annex II to this document.

33.* The Council also decided that the contribution unit should remain at 53,641 Swiss francs for the years 2000 and 2001 even if additional contributions were received.

Designation of Auditor

34.* The Council unanimously decided to renew the designation of Switzerland as auditor of the accounts of UPOV up to and including the year 2003. It expressed its gratitude to the Swiss Authorities for their assistance.

Calendar of Meetings in 2000

35.* The Council established the calendar of meetings in 2000 as reproduced in Annex III to this document.

Election of New Chairmen

36.* The Council elected, in each case for a term of three years ending with the thirty-sixth ordinary session of the Council, in 2002:

(a) Mr. Wieslaw Pilarczyk (Poland) Chairman of the Technical Working Party on Automation and Computer Programs;

(b) Mr. József Harsányi (Hungary) Chairman of the Technical Working Party for Fruit Crops;

(c) Ms. Elizabeth Scott (United Kingdom) Chairman of the Technical Working Party for Ornamental Plants and Forest Trees;

(d) Mrs. Julia Borys (Poland) Chairman of the Technical Working Party for Vegetables.

37.*44 The Council expressed its appreciation to the outgoing Chairmen, Mr. Joost Barendrecht (Netherlands), Mr. Chris Barnaby (New Zealand), Mr. Baruch Bar-Tel (Israel) and Mr. John Law (United Kingdom) for the work carried out during their terms.

Situation in the Legislative, Administrative and Technical Fields

- (a) *Reports by Representatives of States (Member States and Observer States) and Intergovernmental Organizations*

38. The Council took note of the written reports reproduced in document C/33/12 and its addendum and of the written and oral reports given in the session which are reproduced in Annex IV hereto.

- (b) *Data Assembled by the Office of the Union on the State of Protection in Member States and Cooperation Between Them*

39. The Council took note of the information given in documents C/33/5, C/33/6 and C/33/7. The Vice Secretary-General drew attention to the reduction in the number of applications for protection in some European countries which was reflected in the statistics document C/33/7. This was due to the great success of the Community Plant Variety Office. Applications for national protection were in some cases replaced by applications for Community protection.

Retirement

40. The President recalled that Mr. Max-Heinrich Thiele-Wittig, who had been responsible for technical matters in UPOV for twenty-six years, was shortly to retire. On behalf of all delegations, he thanked him for his outstanding contribution to the development of UPOV and wished him a long and enjoyable retirement.

41. The Council unanimously adopted this report at its thirty-fourth ordinary session, on October 26, 2000.

[Four 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 États/in the alphabetical order of the names in
French of the States/in alphabetischer Reihenfolge der französischen Namen der Staaten/
por orden alfabético de los nombres en francés de los Estados)

I. ÉTATS MEMBRES/MEMBER STATES/VERBANDSSTAATEN/
ESTADOS MIEMBROS

AFRIQUE DU SUD/SOUTH AFRICA/SÜDAFRIKA/SUDÁFRICA

Mishack Bochankge MOLOPE, Chief Director, National Department of Agriculture,
Directorate: Genetic Resources, Private Bag X250, Pretoria 0001

Martin JOUBERT, Assistant Director, National Department of Agriculture, Directorate:
Genetic Resources, Private Bag X973, Pretoria 0001

ALLEMAGNE/GERMANY/DEUTSCHLAND/ALEMANIA

Rolf JÖRDENS, Präsident, Bundessortenamt, Osterfelddamm 80, 30627 Hannover

Michael KÖLLER, Oberregierungsrat, Bundessortenamt, Osterfelddamm 80,
30627 Hannover

Eberhard SCHMAUZ, Ministerialrat, Bundesministerium für Ernährung, Landwirtschaft und
Forsten, Rochusstraße 1, 53340 Bonn

ARGENTINE/ARGENTINA/ARGENTINIEN/ARGENTINA

Carmen GIANNI (Sra.), Directora de Asuntos Jurídicos, Instituto Nacional de Semillas
(INASE), Secretaría de Agricultura, Ganadería, Pesca y Alimentación, Avenida Paseo
Colón 922, 3^{er} piso, 1063 Buenos Aires

Andrea REPETTI (Sra.), Tercer Secretario, Misión Permanente, 10, route de l'Aéroport,
1215 Ginebra, Suiza

AUTRICHE/AUSTRIA/ÖSTERREICH/AUSTRIA

Josef HINTERHOLZER, Leiter des Sortenschutzamtes, Bundesamt und Forschungszentrum für Landwirtschaft, Postfach 400, Spargelfeldstraße 191, 1226 Wien

Birgit KUSCHER (Frau), Referentin für den Sortenschutz, Rechtsabteilung, Bundesministerium für Land- und Forstwirtschaft, Referat IA2a, Stubenring 1, 1010 Wien

Heinz-Peter ZACH, Referatsleiter für Saatgut und Sortenwesen, Bundesministerium für Land- und Forstwirtschaft, Stubenring 1, 1010 Wien

BELGIQUE/BELGIUM/BELGIEN/BÉLGICA

Françoise BEDORET (Mme), Ingénieur principal, Service matériel de reproduction, protection des obtentions végétales et catalogues nationaux, Ministère des classes moyennes et de l'agriculture, WTC 3, boulevard Simon Bolívar 30, 6ème étage, 1000 Bruxelles

BOLIVIE/BOLIVIA/BOLIVIEN/BOLIVIA

Jorge ROSALES KING, Director, Oficina Regional de Semillas, Ministerio de Asuntos Campesinos y Agropecuarios, Casilla postal 2736, Santa Cruz de la Sierra

Roberto GALLO ARÉBALO, Responsable del Area técnica y Capacitación UC/PNS/PRODISE, Programa Nacional de Semillas-PRODISE / Unidad de Coordinación, Ministerio de Agricultura, Ganadería y Desarrollo rural, Avda. 6 de Agosto 2006, edif. V. Centenario, piso 1, Casilla 4793, La Paz

Augusto URQUIETA, Presidente, Consejo Regional de Semillas, Casilla postal 2144, Cochabamba

BRÉSIL/BRAZIL/BRASILIEN/BRASIL

Ariete DUARTE FOLLE (Sra.), Chefe, Serviço Nacional de Proteção de Cultivares (SNPC), Secretaria de Desenvolvimento Rural (SDR), Ministério da Agricultura e do Abastecimento, Esplanada dos Ministérios, B1.D, Anexo A, Térreo, Salas 1-12, CEP 70043-900, Brasília D.F.

CANADA/KANADA/CANADÁ

Valerie SISSON (Ms.), Commissioner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), Camelot Court, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9

CHINE/CHINA

Xueli ZHENG (Mrs.), Department Chief, Department of Science, Technology and Education, Ministry of Agriculture, 11, Nong Zhan Guan Nan Li, Beijing

Yan ZHANG (Mrs.), Deputy Director, International Organizations Division, International Cooperation Department, State Intellectual Property Office, 6 Xituchenglu, P.O. Box 8020, Beijing 100088

Sanqun LONG, Deputy Division Director, The Office for the Protection of New Varieties of Plants, State Forestry Administration, Hepingli, Beijing

Yangling ZHAO (Ms.), First Secretary, Permanent Mission, 11, chemin de Surville, 1213 Petit-Lancy, Switzerland

COLOMBIE/COLOMBIA/KOLUMBIEN/COLOMBIA

Jorge Enrique SUÁREZ CORREDOR, Director, División de Semillas, Instituto Colombiano Agropecuario (I.C.A.), Ministerio de Agricultura, Oficina 413, Calle 37 N° 8-43, piso 4 y 5, Santa Fe de Bogotá, D.F.

DANEMARK/DENMARK/DÄNEMARK/DINAMARCA

Hans Jørgen ANDERSEN, Head of Division, The Danish Plant Directorate, Skovbrynet 20, 2800 Lyngby

ESPAGNE/SPAIN/SPANIEN/ESPAÑA

Martín J. FERNÁNDEZ DE GOROSTIZA YSBERT, Director, Oficina Española de Variedades Vegetales (OEVV), Instituto Nacional de Investigación y Tecnología Agraria y Alimentaria, José Abascal, 4-7^a pl., 28003 Madrid

Luis SALAICES SÁNCHEZ, Jefe de Área del Registro de Variedades, Oficina Española de Variedades Vegetales (OEVV), Instituto Nacional de Investigación y Tecnología Agraria y Alimentaria, José Abascal 4, 28003 Madrid

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA/VEREINIGTE STAATEN VON AMERIKA/ESTADOS UNIDOS DE AMÉRICA

H. Dieter HOINKES, Deputy Administrator, Office of Legislative and International Affairs, U.S. Patent & Trademark Office, Department of Commerce, Washington, D.C. 20231

Ann Marie THRO (Miss), Commissioner, Plant Variety Protection Office, Department of Agriculture, Room 500, NAL Building, 10301 Baltimore Blvd., Beltsville, MD 20705

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION/RUSSISCHE FÖDERATION/
FEDERACIÓN DE RUSIA

Yury A. ROGOVSKIY, Deputy Chairman, State Commission of the Russian Federation for Selection Achievements Test and Protection, Orlicov per. 1/11, 107139 Moscow

Madina O. OUMAROVA (Mrs.), Agronomist, State Commission of the Russian Federation for Selection Achievements Test and Protection, Orlicov per. 1/11, 107139 Moscow

FINLANDE/FINLAND/FINNLAND/FINLANDIA

Arto VUORI, Director, Plant Variety Rights Office, Ministry of Agriculture and Forestry, Hallituskatu 5, 00170 Helsinki

FRANCE/FRANKREICH/FRANCIA

Nicole BUSTIN (Mlle), Secrétaire général, Comité de la protection des obtentions végétales (CPOV), Ministère de l'agriculture et de la pêche, 11, rue Jean Nicot, 75007 Paris

Isabelle CLÉMENT-NISSOU (Mme), Chargée de mission, Bureau de la sélection végétale et des semences, Sous-Direction des productions végétales, Direction des politiques économique et internationale, Ministère de l'agriculture et de la pêche, DPEI/SDPV/BSVS, 3, rue Barbet de Jouy, 75007 Paris

HONGRIE/HUNGARY/UNGARN/HUNGRÍA

Károly NESZMÉLYI, General Director, National Institute for Agricultural Quality Control, Keleti Károly u. 24, 1024 Budapest

Gusztáv VÉKÁS, Vice-President, Hungarian Patent Office, Garibaldi u. 2, 1054 Budapest

Jenő KÜRTÖSSY, Deputy Head, Patent Department, Hungarian Patent Office, Garibaldi u. 2, 1054 Budapest

IRLANDE/IRELAND/IRLAND/IRLANDA

John V. CARVILL, Controller, Department of Agriculture and Food, National Crop Variety Testing Center, Backweston, Leixlip, Co. Kildare

ISRAËL/ISRAEL

Menahem ZUR, Chairman, Plant Breeders' Rights Council, Agricultural Research Organization, Volcani Center, P.O. Box 6, Bet-Dagan 50250

Shalom BERLAND, Registrar and Legal Advisor for Plant Breeders' Rights, Ministry of Agriculture, Arania St. 8, Hakiria, Tel Aviv 61070

ITALIE/ITALY/ITALIEN/ITALIA

Pasquale IANNANTUONO, Conseiller juridique, Service des accords de propriété intellectuelle, Ministère des affaires étrangères, Palazzo Farnesina, 00100 Rome

Bernardo PALESTINI, Dirigente, Direzione Generale delle Politiche Agricole ed Agroindustriali, Ministero per le Politiche Agricole e Forestali, 20, via XX Settembre, 00187 Roma

JAPON/JAPAN/JAPÓN

Ryusuke YOSHIMURA, Advisor, Seeds and Seedlings Division, Ministry of Agriculture, Forestry and Fisheries, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100

Kimiko ISHIKAWA (Mrs.), Examiner, Seeds and Seedlings Division, Ministry of Agriculture, Forestry and Fisheries (MAFF), 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100

KENYA/KENIA

Chagema John KEDERA, Managing Director, Kenya Plant Health Inspectorate Service (KEPHIS), Waiyaki Way, P.O. Box 49592, Nairobi

MEXIQUE/MEXICO/MEXIKO/MÉXICO

Enriqueta MOLINA (Srta.), Subdirectora, Servicio Nacional de Inspección y Certificación de Semillas (SNICS), Secretaría de Agricultura, Ganadería y Desarrollo Rural, Lope de Vega 125 - 8º, 2º Piso, Col. Chapultepec Morales, 11570 México, D.F.

Edgar CUBERO GÓMEZ, Segundo Secretario, Misión Permanente, 10A, avenue de Budé, 1202 Ginebra, Suiza

NORVÈGE/NORWAY/NORWEGEN/NORUEGA

Kåre SELVIK, Director General, Head of the Plant Variety Board, The Royal Ministry of Agriculture, P.O. Box 8007 Dep., 0030 Oslo

Haakon SØNJU, Adviser, Plant Variety Board, Fellesbygget, 1432 Ås-NLH

NOUVELLE-ZÉLANDE/NEW ZEALAND/NEUSEELAND/NUEVA ZELANDIA

Bill WHITMORE, Commissioner of Plant Variety Rights, Plant Variety Rights Office, P.O. Box 130, Lincoln, Canterbury

PANAMA/PANAMÁ

Maricel GARRIDO R. (Sra.), Consejera, Misión Permanente, 72, rue de Lausanne, 1202 Ginebra, Suiza

PAYS-BAS/NETHERLANDS/NIEDERLANDE/PAÍSES BAJOS

Johan Pieter PLUIM MENTZ, Secretary, Board for Plant Breeders' Rights, Marijkeweg 24, Postbus 104, 6700 AC Wageningen

Marijke BOOTSMAN (Mrs.), Legal Adviser, Ministry of Agriculture, Nature Management and Fisheries, Postbus 20401, 2500 EK The Hague

POLOGNE/POLAND/POLEN/POLONIA

Julia BORYS (Miss), Head of DUS Testing Department, Research Centre for Cultivar Testing, COBORU, 63-022 Slupia Wielka

PORTUGAL

Carlos PEREIRA GODINHO, Head of Division, Centro Nacional de Registo de Variedades Protegidas (CENARVE), Direcção Geral de Protecção das Culturas, Ministério da Agricultura, Edifício II da DGPC, Tapada da Ajuda, 1300 Lisboa

RÉPUBLIQUE DE MOLDOVA/REPUBLIC OF MOLDOVA/REPUBLIK MOLDAU/REPÚBLICA DE MOLDOVA

Dumitru BRINZILA, President, State Commission for Crop Variety Testing and Registration, Bd. Stefan cel Mare 162, 2004 Chisinau

Andrey PALII, Head, Department of Selection, Genetics and Biotechnology of Farm Crops, State Agricultural University, Mirceshti 48, 2049 Chisinau

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC/TSCHECHISCHE REPUBLIK/REPÚBLICA CHECA

Jiří SOUČEK, Head of Department, ÚKZÚZ - Central Institute for Supervising and Testing in Agriculture, Department of DUS Tests and Plant Variety Rights, Za opravnou 4, 150 06 Praha 5 – Motol

ROYAUME-UNI/UNITED KINGDOM/VEREINIGTES KÖNIGREICH/REINO UNIDO

David A. BOREHAM, Controller of Plant Variety Rights, Plant Variety Rights Office and Seeds Division, Ministry of Agriculture, Fisheries and Food, White House Lane, Huntingdon Road, Cambridge CB3 0LF

SLOVAQUIE/SLOVAKIA/SLOWAKEI/ESLOVAQUIA

Bronislava BÁTOROVÁ (Mrs.), Head, Plant Breeder's Rights Department, Central Agricultural Controlling and Testing Institute, Topolčianska 29, 956 07 Veľké Ripňany

Lucia POVODOVÁ (Mrs.), Ministry of Agriculture, Dobrovicova 12, 812 66 Bratislava

SLOVÉNIIE/SLOVENIA/SLOWENIEN/ESLOVENIA

Jože ILERŠIČ, Director, Plant Variety Protection and Registration Office, Ministry of Agriculture, Forestry and Food, Parmova 33, 1000 Ljubljana

Martina ROGELJ (Ms.), Counsellor, Plant Variety Protection and Registration Office, Ministry of Agriculture, Forestry and Food, Parmova 33, 1000 Ljubljana

SUÈDE/SWEDEN/SCHWEDEN/SUECIA

Karl Olov ÖSTER, President, National Plant Variety Board; Director-General, National Board of Fisheries, Ekelundsgatan 1, Box 423, 401 26 Göteborg

Evan WESTERLIND, Head of Office, National Plant Variety Board, Box 1247, 171 24 Solna

SUISSE/SWITZERLAND/SCHWEIZ/SUIZA

Pierre-Alex MIAUTON, Chef, Service des semences et plants, Station fédérale de recherches en production végétale, RAC, Changins, 1260 Nyon 1

URUGUAY

Gustavo E. BLANCO DEMARCO, Presidente, Instituto Nacional de Semillas (INASE), Camino Bertolotti s/n y Ruta 8 Kmt. 28,8 Pando – Canelones, Casilla Correo 7731 Pando – Canelones

II. ÉTATS OBSERVATEURS/OBSERVER STATES/
BEOBACHTERSTAATEN/ESTADOS OBSERVADORES

CROATIE/CROATIA/KROATIEN/CROACIA

Krunoslava ČERMAK-HORBEC (Ms.), Senior Counsellor for Seed, Ministry of Agriculture and Forestry, Ul. grada Vukovara 78, P.P. 1034, 10000 Zagreb

Ružica ORE (Ms.), Coordinator of Plant Variety Registration and Plant Variety Protection Rights, Institute for Seeds and Seedlings, Vinkovacka cesta 63, Osijek 31000

ESTONIE/ESTONIA/ESTLAND/ESTONIA

Pille ARDEL (Mrs.), Head of Variety Control Department (DUS and Variety Protection), Estonian Seed and Variety Testing Inspectorate, 71024 Viljandi

GRÈCE/GREECE/GRIECHENLAND/GRECIA

Michael GAVRAS, Director, Directorate for Crop Production Inputs, Ministry of Agriculture, 2 Acharnon Str., Athens 101 76

INDE/INDIA/INDIEN/INDIA

Dolly CHAKRABARTY (Mrs.), Deputy Secretary (Seeds), Department of Agriculture & Cooperation, Ministry of Agriculture, Krishi Bhawan, Dr. Rajendra Prasad Road-1, New Delhi – 110011

LITUANIE/LITHUANIA/LITAUEN/LITUANIA

Lincija SCHULTE-EBBERT (Mrs.), Chief Specialist, Agri-food Euro-integration Department, Ministry of Agriculture, Gedimino Av. 19, 2025 Vilnius

MAROC/MOROCCO/MAROKKO/MARRUECOS

Fatima EL MAHBOUL (Mme), Conseiller, Mission permanente, 18A, chemin François-Lehmann, Case postale 244, 1218 Grand-Saconnex, Suisse

NICARAGUA

Cecilia SÁNCHEZ REYES (Srta.), Ministro consejero, Misión permanente, 16, rue du Roverey, 1207 Ginebra, Suiza

Alcides MONTIEL, Ministro consejero, Misión permanente, 16, rue du Roverey, 1207 Ginebra, Suiza

OMAN/OMÁN

Ali Hussein AL-LAWATI, Director, Department of Plant Production Research, Directorate General of Agricultural Research, Ministry of Agriculture and Fisheries, P.O. Box 467, Postal Code 113

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA/REPUBLIK KOREA/REPÚBLICA DE COREA

Chong Seo PARK, Director, Division of Plant Variety Protection, National Seed Management Office, 433 Anyang 6-dong, Anyang City, Kyunggi-do 430-016

Jae Hyeon LEE, Deputy-Director, Agricultural Production Division, Ministry of Agriculture & Forestry, Joong Ang-Dong, Kwachen-shi, Kyeonggi-do

ROUMANIE/ROMANIA/RUMÄNIEN/RUMANIA

Adriana PARASCHIV (Mme), Chef du Secteur "Agriculture", Office d'État pour les inventions et les marques, 5 Rue Jon Ghica, Secteur 3, B.P. 52, 70018 Bucarest

TUNISIE/TUNISIA/TUNESIEN/TÚNEZ

Mares HAMDI, Directeur général des affaires juridiques, Ministère de l'agriculture, 30, rue Alain Savary, 1002 Tunis-Belvédère

Aïssa BOUZIRI, Sous-directeur, Contrôle et Certification des semences et plants, Ministère de l'agriculture, 30, rue Alain Savary, 1002 Tunis-Belvédère

III. ORGANISATIONS/ORGANIZATIONS/
ORGANISATIONEN/ORGANIZACIONES

ORGANISATION MONDIALE DU COMMERCE (OMC)/
WORLD TRADE ORGANIZATION (WTO)/
WELTHANDELSORGANISATION (WTO)/
ORGANIZACIÓN MUNDIAL DEL COMERCIO (OMC)

Matthew KENNEDY, Legal Affairs Officer, 154, rue de Lausanne, 1211 Geneva 21, Switzerland

ORGANISATION DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUES (OCDE)/

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)/
ORGANISATION FÜR WIRTSCHAFTLICHE ZUSAMMENARBEIT UND ENT-
WICKLUNG (OECD)/

ORGANIZACIÓN DE COOPERACIÓN Y DE DESARROLLO ECONÓMICOS (OCDE)

Jean-Marie DEBOIS, Administrateur principal, Codes et systèmes agricoles, Division des échanges et marchés agricoles, Direction de l'Alimentation, de l'Agriculture et des Pêcheries, 2, rue André-Pascal, 75775 Paris Cedex 16, France

COMMUNAUTÉ EUROPÉENNE (CE)/

EUROPEAN COMMUNITY (EC)/

EUROPÄISCHE GEMEINSCHAFT (EG)/

COMUNIDAD EUROPEA (CE)

Barteld P. KIEWIET, Président, Office communautaire des variétés végétales (CPVO), 45, avenue de Grésille, 49021 Angers Cedex 02, France

ASSOCIATION INTERNATIONALE D'ESSAIS DE SEMENCES (ISTA)/

INTERNATIONAL SEED TESTING ASSOCIATION (ISTA)/

INTERNATIONALE VEREINIGUNG FÜR SAATGUTPRÜFUNG (ISTA)/

ASOCIACIÓN INTERNACIONAL PARA EL ENSAYO DE SEMILLAS (ISTA)

Michael MUSCHICK, Executive Officer, Reckenholzstrasse 191, 8046 Zurich, Switzerland

ASSOCIATION DES OBTENTEURS HORTICOLES EUROPÉENS (AOHE)/

ASSOCIATION OF EUROPEAN HORTICULTURAL BREEDERS (AOHE)/

DER VERBAND EUROPÄISCHER GARTENBAUZÜCHTER (AOHE)/

LA ASOCIACIÓN DE OBTENTORES HORTICÓLAS EUROPEOS (AOHE)

Pierre TRIOREAU, Secrétaire Général, S.N.H.F., 84 rue de Grenelle, 75007 Paris, France

ASSOCIATION INTERNATIONALE DES SÉLECTIONNEURS POUR LA
PROTECTION DES OBTENTIONS VÉGÉTALES (ASSINSEL)/

INTERNATIONAL ASSOCIATION OF PLANT BREEDERS FOR THE PROTEC-
TION OF PLANT VARIETIES (ASSINSEL)/

INTERNATIONALER VERBAND DER PFLANZENZÜCHTER FÜR DEN SCHUTZ
VON PFLANZENZÜCHTUNGEN (ASSINSEL)/

ASOCIACIÓN INTERNACIONAL DE LOS SELECCIONADORES PARA LA PROTEC-
CIÓN DE LAS OBTENCIONES VEGETALES (ASSINSEL)

Bernard LE BUANEC, Secrétaire général, 7, chemin du Reposoir, 1260 Nyon, Suisse

FÉDÉRATION INTERNATIONALE DU COMMERCE DES SEMENCES (FIS)/
INTERNATIONAL FEDERATION OF THE SEED TRADE (FIS)/
INTERNATIONALER SAMENHANDELSVERBAND (FIS)/
FEDERACIÓN INTERNACIONAL DEL COMERCIO DE SEMILLAS (FIS)

Patrick HEFFER, Assistant du Secrétaire général, FIS, 7, chemin du Reposoir, 1260 Nyon, Suisse

IV. BUREAU/OFFICERS/VORSITZ/OFICINA

Ryusuke YOSHIMURA, President
Karl Olov ÖSTER, Vice-President

V. BUREAU DE L'OMPI/OFFICE OF WIPO/BÜRO DER WIPO/ OFICINA DE LA OMPI

José BLANCH, Head, Budget Section

VI. BUREAU DE L'UPOV/OFFICE OF UPOV/BÜRO DER UPOV/ OFICINA DE LA UPOV

Barry GREENGRASS, Vice Secretary-General
André HEITZ, Director-Counsellor
Max-Heinrich THIELE-WITTIG, Senior Counsellor
Raimundo LAVIGNOLLE, Senior Program Officer
Evgeny SARANIN, Consultant
Sumito YASUOKA, Associate Officer

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

ANNEX II

CONTRIBUTIONS OF MEMBER STATES
(in Swiss francs)

1998 Actual	1999 Actual	Member States	Number of Units	Payable in January 2000	Payable in January 2001
26,820	26,820	Argentina	0.50	26,820	26,820
53,641	53,641	Australia	1.00	53,641	53,641
80,462	80,462	Austria	1.50	80,462	80,462
80,462	80,462	Belgium	1.50	80,462	80,462
-	-	Bolivia	0.20	10,728	10,728
-	-	Brazil	0.25	13,410	13,410
-	10,728	Bulgaria	0.20	10,728	10,728
53,641	53,641	Canada	1.00	53,641	53,641
10,728	10,728	Chile	0.20	10,728	10,728
-	-	China	0.50	26,820	26,820
26,820	26,820	Czech Republic	0.50	26,820	26,820
10,728	10,728	Colombia	0.20	10,728	10,728
80,462	80,462	Denmark	1.50	80,462	80,462
10,728	10,728	Ecuador	0.20	10,728	10,728
53,641	53,641	Finland	1.00	53,641	53,641
268,205	268,205	France	5.00	268,205	268,205
268,205	268,205	Germany	5.00	268,205	268,205
26,820	26,820	Hungary	0.50	26,820	26,820
53,641	53,641	Ireland	1.00	53,641	53,641
26,820	26,820	Israel	0.50	26,820	26,820
107,282	107,282	Italy	2.00	107,282	107,282
268,205	268,205	Japan	5.00	268,205	268,205
-	-	Kenya	0.20	10,728	10,728
40,231	40,231	Mexico	0.75	40,231	40,231
160,923	160,923	Netherlands	3.00	160,923	160,923
53,641	53,641	New Zealand	1.00	53,641	53,641
53,641	53,641	Norway	1.00	53,641	53,641
-	-	Panama	0.20	10,728	10,728
10,728	10,728	Paraguay	0.20	10,728	10,728
26,820	26,820	Poland	0.50	26,820	26,820
26,820	26,820	Portugal	0.50	26,820	26,820
-	10,728	Republic of Moldova	0.20	10,728	10,728

1998 Actual	1999 Actual	Member States	Number of Units	Payable in January 2000	Payable in January 2001
-	26,820	Russian Federation	0.50	26,820	26,820
26,820	26,820	Slovakia	0.50	26,820	26,820
-	-	Slovenia	0.20	10,728	10,728
53,641	53,641	South Africa	1.00	53,641	53,641
80,462	80,462	Spain	1.50	80,462	80,462
80,462	80,462	Sweden	1.50	80,462	80,462
80,462	80,462	Switzerland	1.50	80,462	80,462
-	10,728	Trinidad and Tobago	0.20	10,728	10,728
26,820	26,820	Ukraine	0.50	26,820	26,820
268,205	268,205	United Kingdom	5.00	268,205	268,205
268,205	268,205	United States of America	5.00	268,205	268,205
10,728	10,728	Uruguay	0.20	10,728	10,728
2,775,920	2,834,924		54.40	2,918,066	2,918,066

[Annex III follows]

ANNEX III

DATES OF MEETINGS IN 2000

presented in the order of the organs

Council

October 26

Consultative Committee

April 7
October 25

Administrative and Legal Committee

April 6
October 23 and 24

Technical Committee

April 3 to 5 (noon)
(Editorial Committee: to be fixed later)

Technical Working Party for Agricultural Crops

June 26 (Subgroup), 27 to 30, Uppsala, Sweden

Technical Working Party on Automation and Computer Programs

June 12 to 15 (noon), Kyiv, Ukraine
(Workshop on Data Handling: June 9 and 10, Kyiv, Ukraine)

Technical Working Party for Fruit Crops

July 3 to 7, Budapest, Hungary

Technical Working Party for Ornamental Plants and Forest Trees

June 26 to 30, Budapest, Hungary

Technical Working Party for Vegetables

September 11 to 15, Angers, France

Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

March 1 to 3, CPVO, Angers, France

[Annex IV follows]

ANNEX IV

REPORTS AND STATEMENTS BY REPRESENTATIVES OF STATES AND
ORGANIZATIONS IN THE SITUATION IN THE LEGISLATIVE,
ADMINISTRATIVE AND TECHNICAL FIELDS

I. MEMBER STATES

BOLIVIA

Situation in the Legislative Field

Changes to the Law and Regulations

For the time being there have been no changes to the legal instruments that are used for the protection of plant breeders' rights (PBR).

A preliminary draft intellectual property law has been written which contains, in one of its parts (Book 111), a section exclusively on plant variety protection which has been drawn up on the lines of the 1991 Act. The preliminary draft has been reviewed by Senior Program Officer Raimundo Lavignolle.

There have been no changes to the fees charged.

Extension of Protection to Other Genera and Species

At present protection is available for the species Soya, Cotton, Rose and Maize. In the current period of activity protection has been extended to Rice, Bean and Wheat.

Cooperation in Examination

No agreements have been signed in this connection.

Situation in the Administrative Field

The Ministry of Agriculture, Livestock and Rural Development (MAGDR), by means of Ministerial Resolution no. 104/99, has enacted Regulations under Supreme Decree 2309, which establishes the legal framework for the National Seeds Program, the authority appointed to take charge of the protection of plant breeders' rights. The Regulations increase the administrative autonomy of the system.

There have been no changes in administrative procedures.

A professional attorney has been appointed to the Regional Seeds Office of Santa Cruz (which accounts for the majority of applications for protection), who will assist the Registration and Variety Protection Division.

Situation in the Technical Field

Plots are being made for official DUS testing of Soya, Wheat, Maize, Rice and Bean in the Department of Santa Cruz.

The services of an outside consultant have been engaged for the purpose of evaluating processes for the protection and training of professionals responsible for this work (September 1999).

Action for the Promotion of Plant Variety Protection

A seminar and workshop on plant breeders' rights was held in the city of Santa Cruz (June 1999) for the benefit of seed researchers and producers.

The seminar and workshop on the 1991 Act sponsored by ASTA in Buenos Aires (August 1999) was attended (by two persons).

There are plans to hold a workshop for their training of professionals and companies that render legal services to plant breeders (December 1999).

Developments in Related Fields of Activity

Bolivia has legislation in the field of biosecurity. In 1999 the first field trials of transgenic material involving Soya RR and Cotton BT took place, and on October 28, 1999, the meeting of the National Biosecurity Committee was held to evaluate their release.

BRAZIL

Situation in the Legislative Field

Brazil approved its Plant Variety Protection Law in April 1997, and the Regulatory Decree on November 5 of the same year. In December 1997 the National Plant Variety Protection Service (SNPC) was set up, and the forms necessary for the processing of protection applications were made available to applicants. To start with protection was made available for eight plant species, namely Cotton, Rice, Potato, Kidney Bean, Maize, Soya, Sorghum and Wheat. This has since been extended to Sugar Cane.

Since May 24 of the current year Brazil has been a member of UPOV on the basis of the 1978 Act.

Situation in the Administrative Field

The National Plant Variety Protection Service is under the authority of the Secretariat for Rural Support and Cooperativism of the Ministry of Agriculture and Supply. Its structure consists of the following units:

- Technical Coordination Unit
- Coordination Unit for Registration, Analysis and Protection
- Laboratory for the Analysis, Differentiation and Description of Varieties

The Service also benefits from the advice and assistance of a collegiate body, the National Commission on Cultivar Protection, composed of representatives of the public and private sectors.

Since its introduction, the National Plant Variety Protection Service has received 224 applications for plant variety titles, 196 of those relating to national varieties and 28 to foreign varieties (of Cotton, Potato and Soya). As of October 15, 1999, 62 provisional plant variety titles and 82 final titles have been issued.

<i>Species</i>	<i>No. of applications</i>	<i>Pending</i>	<i>Provisional Titles</i>	<i>Final Titles</i>
Cotton	11	5	3	3
Rice	13	4	6	3
Potato	26	11	11	0
Sugar cane	24	0	17	7
Kidney bean	8	4	0	3
Maize	4	2	2	0
Soya	121	34	13	59
Sorghum	3	0	3	0
Wheat	14	0	7	7
TOTAL	224	60	62	82

Developments in Related Fields of Activity

With regard to genetically modified varieties, the competent authorities (National Technical Commission on Biosecurity – CNTBio – and the Ministry of Agriculture and Supply) have given their approval to a genetic modification that incorporates resistance to glyphosate in soya varieties.

In spite of the fact the National List of Commercial Varieties Awaiting Protection already contained five soya varieties embodying this genetic modification, there has been a court decision prohibiting the production and marketing of transgenic varieties in Brazil until such time as environmental impact tests have been completed. Consequently the production and marketing of transgenic varieties is prohibited in Brazil until that court ruling changes.

CHINA

Situation in the Legislative Field

The Regulation of the People's Republic of China on the Protection of New Varieties of Plants was promulgated on March 20, 1997, which was the result of hard work in the last few years. On March 23, 1999, China deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to China on April 23, 1999. The Rules for the Implementation of the Regulations of the People's Republic of China on the Protection of New Varieties of Plants, Agriculture Part, entered into force on June 16, 1999, and the Forestry Part entered into force on August 10, 1999.

China is a big agricultural country and has many different kinds of climate. It is rich in plant resources and has a long history of plant variety breeding. With a large population involved in agriculture, China is a vast developing country where agriculture plays an important role. Agricultural production relies on the individual family farmers to a great extent, which is small scale and less efficient, and in general, takes the shape of a less developed rural economy. Therefore, the scope of protection in the legal rights of variety right's holder in the Regulations is limited to the act of producing and selling propagating material of the protected variety for commercial purposes. Nevertheless, the exploitation of the protected variety may not require the authorization of the variety right's holder, and not be treated as infringement, when farmers apply the propagating material of the protected variety for their own production, or when such activity is for scientific research.

On March 23 of this year, China submitted its first batch of protected botanical genera and species of plants during its accession to UPOV. In total, it consists of 18 botanical genera and species. The Ministry of Agriculture is responsible for receiving and examining the applications for new variety rights in plants of 10 genera and species: rice, maize, Chinese cabbage, potato, *Cymbidium goeringii* Rchb. f., *Chrysanthemum* L., *Dianthus* L., *Gladiolus* L., Lucerne and Kentucky blue grass. The State Forestry Administration receives applications for Paulownia, *Cunninghamia lanceolata*, Magnolia, *Paeonia suffruticosa* Andr., *Prunus mume*, Rosa and Camellia.

The plant genera and species protected in the first batch are far below the demand of plant breeders and the requirements of China. Therefore, China has already started the process of selecting and determining a second list of protectable plant genera and species.

Situation in the Administrative Field

The Ministry of Agriculture and the State Forestry Administration are the management agencies in China for production in agriculture and forestry respectively, due to the organization and operation system in China. The Regulation accordingly states that the administrative departments of agriculture and forestry under the State Council are jointly responsible, according to the division of their job responsibilities, for the receipt and examination of applications for rights in new varieties of plants, and for the grant of rights in new varieties of plants in respect of those new varieties of plants that conform to the provisions of the Regulation. That means there are two examining and approving authorities for granting plant variety rights in China, i.e. the Ministry of Agriculture and the State Forestry Administration responsible for examining and granting new variety rights of agricultural plants and forest plants respectively.

The examination for plant variety rights is based on the advanced experience of member states of the UPOV whilst taking into consideration the national situation, “the examining and approving authorities shall conduct the substantive examination on the basis of application documents and other relevant written information. Where they deem it necessary, the examining and approving authorities may entrust a designated testing institution to undertake tests or, to inspect the results of growing tests or other trials that have already been carried out.” It means the substantive examination may be conducted firstly, on the basis of written information of the application documents; secondly, through inspecting the results of growing tests or other trials that have been carried out; and thirdly by entrusting related testing institutes to undertake tests. By doing so, it could help to speed up the examination progress, subject to ensuring the quality of examination, the reduction of testing fees and the economic burden for the applicant, and to promote plant variety protection in China.

Unlike other states, in China, there are two channels to enforce the protection on new varieties of plants: one is the People’s Court, the other one is the Administrative Authorities of agriculture or forestry. Where disputes arise as to the ownership of the variety rights, the parties concerned may file a suit with the People’s Court. Where infringement of variety rights occurs, the variety rights holder or the party having an interest therein may request the administrative departments of agriculture and forestry of the People’s Government at provincial level or above to handle the case, or may directly file a suit with the People’s Court. Where any new plant variety is counterfeited, the administrative departments of agriculture and forestry of the People’s Government at county level or above shall handle it.

The Office for the Protection of New Varieties of Agricultural Plants has been established in the Ministry of Agriculture, and the Office for the Protection of New Varieties of Forest Plants has been established in the State Forestry Administration. These are government agencies responsible for receiving, examining applications for new variety rights of plants and handling other related issues. Meanwhile, the Storage Center of Propagating Material of New Varieties of Agricultural Plants has also been set up for storing the propagating material of protected varieties, and the establishment of the Test Centers for Examining New Varieties of Agricultural Plants is under consideration.

The State Intellectual Property Office has been authorized by the State Council to coordinate foreign related intellectual property affairs. As for the protection of new varieties of plants, the State Intellectual Property Office is responsible for coordination and communication with UPOV on behalf of the Chinese government, and for organizing and conducting international exchanges and cooperation related to the protection of new varieties of plants.

Up to now, a total of 267 applications have been received in China. Among them, 92 applications were filed with the Office for the Protection of New Varieties of Agriculture Plants and 175 applications were filed with the Office for the Protection of New Varieties of Forest Plants.

Because of the late start on plant variety protection in China and lack of experience both in the aspects of legislation and law enforcement during the preparation stage, China has obtained the valuable experience and practice from UPOV and some of its member States in the field of plant variety protection, particularly in the technical aspect of testing and examination. China had the honor of inviting Mr. Greengrass, the Vice Secretary-General of UPOV, Mr. Kunhardt, the former Deputy Director of the Plant Variety Protection Bureau of Germany and Mr. John Macleod, Director of National Institute of Agricultural Botany of the

United Kingdom respectively, to China to offer us their valuable advice and experience. In addition, we have sent delegates to Japan, the Netherlands, United Kingdom, Philippines and Thailand to visit or receive training. By carrying out these technical exchange activities, the protection work on new varieties of plants has been greatly promoted.

China has just begun the work of protecting new varieties of plants. It has a lot of work to do in the legislative, enforcement, administrative and technical field. China will endeavor to make further progress and hopes to receive help from the UPOV Office and the support of UPOV member States.

COLOMBIA

Situation in the Legislative Field

Work is in progress on the updating of Resolution 1893 of 1995 in which the ICA inaugurated the National Registry of Protected Plant Varieties after four years of experimentation to make the adjustments necessary for alignment on new technology and realities within the country.

Colombia has an open system of protection, without any restriction, for all cultivated varieties of all botanical genera and species in so far as their cultivation, possession or use are not prohibited for reasons of human, animal or plant health. Woodland species that have not been planted or improved by human intervention are excluded from protection.

Cooperation in Examination

Cooperation has been sought with Germany and the Netherlands for the conduct of tests on the identification of certain rose varieties that have been claimed by a breeder in Colombia.

Situation in the Administrative Field

In 1998, 96 applications for protection were filed and 50 breeders' certificates were issued.

During 1999, 39 applications were filed and 45 breeders' certificates issued up to September 30.

At present our database contains a total of 459 applications received, 17 of which are Colombian and 442 from abroad, the Netherlands being the most strongly represented. If the information is analyzed species by species, one finds that the tendency is the same as in the previous year for Rose species (59.9%), followed by Carnation (16.1%) and Chrysanthemum (9.1%), with ornamental species representing the most applications.

Three issues of the Protected Plant Varieties Gazette have been published. The first appeared in June 1997, containing 11 oppositions. The second was published in November 1998 and the third in August 1999.

Requests have been filed for preliminary tests prior to proceedings with a view to action against persons unlawfully exploiting rose varieties protected in Colombia on a commercial basis, with the ICA, as the authority responsible for the National Register of Protected Plant Varieties, acting as technical expert.

Eleven applications were filed for varieties of transgenic cotton with a view to protection in Colombia, and those applications are currently being considered in the National Technical Council (CTN) for the introduction, production, release and marketing of GMO for agricultural use and the conduct of field trials.

Situation in the Technical Field

Distinctness, uniformity and stability testing was completed for varieties of rice and tobacco (red tobacco), and protection was granted to the latter for 50 years, as the legislation requires, while the information emerging from the tests done on rice varieties is being analyzed.

Plantings of passion flower, cotton and sugar cane varieties have started so that distinctness, uniformity and stability testing can proceed.

Activities for the Promotion of Plant Variety Protection

Seminars, meetings and conferences have been held at country level with a view to publicizing the possibilities of plant variety protection.

There have been visits this year from countries like Peru and Venezuela for the exchange of experience in the legislative and technical fields.

Developments in Related Fields of Activity

Colombia issued Resolution no. 03492 of December 22, 1998, to regulate, and establish the procedure for, the introduction, production, release and marketing of genetically modified organisms (GMO). Also the National Technical Council (CTN) for the introduction, production, release and marketing of GMO for agricultural use was set up, with the participation of the Ministries of Agriculture, Health and the Environment, and public and private bodies active in the sector concerned with the issue.

GERMANY

Situation in the Legislative Field

An amendment to the Seed Trade Law to bring it into line with the European Community legislation is in hand.

Developments in Related Fields of Activity

Decisions will be taken on the first genetically modified varieties submitted for addition to the National List in the autumn/winter.

HUNGARY

Situation in the Legislative Field

In line with Hungary's accession to the EU the revision of legal regulations relating to the protection of intellectual property is now in progress. Rules of the 1991 UPOV Convention shall be implemented in 2000 together with other amendment of legal regulations to be executed in connection with the legal harmonization and with the amendment of patent law.

Cooperation in Examination

The preparation of a bilateral contract with the Netherlands including the DUS test of vegetables is now in progress.

According to the section pertinent to the DUS test of fruits of the agreement concluded with the Czech Republic and coming into force on the November 1, 1999, the National Institute for Agricultural Quality Control will execute the DUS test of cherry, sour cherry, peach and raspberry for the Czech party, while that of apple, pear and nut is to be performed by the UKZUZ for the National Institute for Agricultural Quality Control. Moreover the parties concerned will mutually accept each other's results relating to apricot. Preparation of a similar agreement to be concluded with the Slovak Republic and Poland is in progress.

Situation in the Administrative Field

From the 94 new applications entered at the Hungarian Patent Office in the period lasting till the September 30, 1999, 79 were accepted for granting the plant variety protection.

Activities for the Promotion of Plant Variety Protection

Two staff members participated in the ring test session on the survey of the problems of DUS test of oil rape, red clover and cross-pollinating grass species, the per country situation in the field of Genetically Modified Organisms (GMOs) and the development of legislation relating to the subject of EU, held in Germany, April 20-21, 1999.

Three staff members participated in the ring test session devoted to the discussion on the problems of DUS test of lucerne, tomato and dactylis and the general issue relating to this field, held in Poland, July 28-29, 1999.

In connection with the preparation of Croatia's joining to the UPOV the Hungarian Government received visitors from this country three times to discuss issues of law,

organization and cooperation and arrange technical demonstrations on the DUS testing of maize, winter wheat and autumn barley.

Developments in Related Fields of Activity

Rules and orders in the field of gene technology (release of Genetically Modified Organisms/GMOs):

Decree no. 1/1999 of January 14, 1999, of the Minister of Agriculture and Regional Development on the enforcement of the Act on the Activity in Gene Technology (Act no. XXVII of 1998) in the field of agriculture and food industry came into force on January 14, 1999. Following its formation on January 21, 1999, the Committee for the Report on Gene Technological Procedures held six meetings and formed opinion on the permit applications for release submitted to the Agricultural Department of the Ministry of Agriculture and Regional Development (Gene Technological Authority).

In a total of 23 trial sites, the following plant varieties were permitted for experimental release:

Maize

Felicia LL, Clarica JI, Occitan Cb, Alpha Bt, Pelican Bt, T25

Sugar beet

HM 5460, HM 1727, HM 5421, KWS 9193

Oil rape

“In vigour” oil seed rape hybrids.

ISRAEL

Cooperation in Examination

The policy to purchase test reports, whenever possible, from the various member states has been pursued in 1999, enabling the office to cope better with the varieties, mainly of local breeders, that must be tested.

Situation in the Administrative Field

From October 1998 until September 1999, 135 applications were submitted for PBR registrations, of which 96, mostly ornamentals, were of foreign breeders. The bulk of registrations, 103—in this period of time—were again, of foreign breeders, while those of locals came to 39, bringing the total of registered varieties to 142.

ITALY

Situation in the Legislative Field

The Legislative Decree no. 455 of November 3, 1998, which makes amendments to national legislation in accordance with the 1991 Act of the UPOV Convention, was published in the Official Gazette of December 30, 1998. It will come into force on April 1, 2000. Its Article 28 makes protection available for plant varieties of all plant genera and species.

Situation in the Administrative Field

On September 14, 1999, the Ministry for Agricultural Policies changed its name to Ministry of Agriculture and Forestry Policies. By Decree no. 300 the new Industrial Property Agency assumes responsibility for plant variety protection. It is an autonomous public agency under the tutelage of the Ministry of Industry.

MEXICO

Situation in the Legislative Field

The Federal Law on Plant Varieties, approved by the Congress of the Union on October 3, 1996, and published by decree in the *Diario Oficial de la Federación* on the 25th of the same month and year, has emerged following a protracted period of analysis and consultation started in 1992.

This Law, the application and interpretation of which is the responsibility of the Secretariat of Agriculture, Livestock and Rural Development, has been designed according to the following general principles:

- Protection under a *sui generis* system of protection conforming to the 1978 Act;
- Protection for varieties of all plant genera and species;
- The breeder himself provides the information for the grant of protection.

The Regulations under the Federal Law on Plant Varieties were issued on September 24, 1998.

Situation in the Administrative Field

1. APPLICATIONS FILED BETWEEN OCTOBER 1996 AND SEPTEMBER 1999

<i>Species</i>	<i>Number</i>	<i>Partic (%)</i>
1. Rose <i>Rosa sp.</i>	80	29
1. Maize <i>Zea mays</i>	60	22
1. Strawberry <i>Fragaria sp.</i>	24	9
1. Cotton <i>Gossypium hirsutum</i>	22	8
1. Sorghum <i>Sorghum bicolor</i>	22	8
1. Potato <i>Solanum tuberosum</i>	16	6
1. Avocado <i>Persea americana</i>	10	4
1. Raspberry <i>Rubus idaeus</i>	8	3
1. Wheat <i>Triticum aestivum</i>	6	2
1. Alstroemeria <i>Alstroemeria sp</i>	4	1
1. Chrysanthemum <i>Chrysanthemum (Dendranthema) sp.</i>	3	1
1. Apple <i>Malus x domestica</i>	3	1
1. Oats <i>Avena sativa</i>	2	1
1. Cherry <i>Prunus cerasus</i>	2	1
1. Grapevine <i>Vitis vinifera</i>	2	1
1. Seaweed <i>Enteromorpha clathrata</i>	1	0.4
1. Rice <i>Oryza sativa</i>	1	0.4
1. Lily <i>Lilium L.</i>	1	0.4
1. Broccoli <i>Brassica oleracea</i>	1	0.4
1. Coffee <i>Coffea arabica</i>	1	0.4
1. Barley <i>Hordeum distichum</i>	1	0.4
1. Onion <i>Allium cepa</i>	1	0.4
1. Cherimoya <i>Annona cherimola</i>	1	0.4
1. Peach <i>Prunus persica</i>	1	0.4
1. Guava <i>Psidium guajava</i>	1	0.4
1. Gypsophila <i>Gypsophila paniculata</i>	1	0.4
1. Buffalo grass <i>Buchloe dactyloides</i>	1	0.4
1. Poinsettia <i>Euphorbia pulcherrima</i>	1	0.4
1. Bermuda grass <i>Cynodon</i>	1	0.4
1. Green tomato <i>Physalis ixocarpa</i>	1	0.6
TOTAL	279	100.0

2. APPLICATIONS FILED BY COUNTRY OF RESIDENCE

<i>Country</i>	<i>Number</i>	<i>% of total</i>
Mexico	91	33
Non-residents:	188	67
<i>United States of America</i>	119	43
<i>France</i>	40	14
<i>Netherlands</i>	18	6
<i>Italy</i>	6	2
<i>Canada</i>	2	1
<i>Cuba</i>	1	0.4
<i>Israel</i>	1	0.4
<i>Japan</i>	279	0.4

Situation in the Technical Field

(a) Technical Support Groups

The legal framework provides for the setting up of technical support groups to rule on applications for breeders' certificates. At present there are five Technical Support groups (agricultural, ornamental, horticultural and fruit species and special tests) similar in form to the UPOV Working Parties.

These Technical Groups are made up of specialists who function as plant variety experts. The work started in 1995 in response to concern to have technical instruments available for variety description, and also for the writing of what was then the draft law on the protection of plant breeders' rights. Representatives of the private and public sectors with experience in research or technical knowledge on varieties descriptors take part in the groups.

By entering into collaboration agreements with various universities, the coordinators of these support groups have taken part in the sessions of the five UPOV Working Parties, which has made for easier exchanges of experience and strengthened Mexico's technical capacity.

(b) Reference Varieties

As part of the action to devise protocols for variety identification and differentiation, it has become necessary to define varieties that will be considered reference varieties for description purposes, so field trials of maize are in progress in the various agro-climatological areas of the country.

Activities for the Promotion of Plant Variety Protection

Plant breeders' rights, dissemination and training activities have intensified with the holding of courses, postgraduate programs, seminars, workshops and lectures with the cooperation of various institutions and universities from various parts of the country.

Representatives also participated in the Seminar on the 1991 Act that was held in Buenos Aires last August, organized by the National Seeds Institute (INASE) in cooperation with UPOV and with the support of the American Seed Testing Association (ASTA) and the Argentine Association for the Protection of New Varieties of Plants (ARPOV). This provided the opportunity for a visit to the National Institutes of Seeds and Agricultural Technology of Argentina to observe administration systems for the protection of plant breeders' rights in that country.

REPUBLIC OF MOLDOVA

Situation in the Legislative Field

A new Seed Law has received its first reading in Parliament. Consideration is being given to extending the list of protected species.

Activities for the Promotion of Plant Variety Protection

A number of seminars have been held.

PORTUGAL

Situation in the Legislative Field

A project to amend the present legislation to conform with the 1991 Convention is nearing completion.

PBR protection in Portugal covers now 88 species.

Activities for the Promotion of Plant Variety Protection

During 1999, several events were organized where PBR protection, specially so far as ornamental species are concerned, was promoted.

SPAIN

Situation in the Legislative Field

With the publication of Royal Decree 998/1999 of June 11, which modified the organizational structure of the Ministry of Agriculture, Fishery and Food and that of the National Institute for Agrarian and Food Research and Technology, the abolition of the Under-Directorate General of Seeds and Nursery Plants was decreed.

Activities for the Promotion of Plant Variety Protection

There has been intense activity at the national level to provide all interested circles, by means of seminars and technical meetings, with information on the Community system for the protection of plant varieties established by Council Regulation (EC) no. 2100/94.

Bilateral cooperation and cooperation with the Office of the Union have both continued, with assistance being especially given to the Latin American region. The training of experts has likewise continued.

Developments in Related Fields of Activity

The list of commercial varieties kept in Spain contains 52 agricultural, 47 horticultural and 20 fruit species and standards.

At the end of 1998 there were 4,609 plant varieties in the List of Commercial Varieties.

Applications have been received concerning varieties containing genetically modified organisms, which have been under investigation from the point of view both of the provisions on the release of genetically modified organisms and their inclusion in the List of Varieties.

UNITED KINGDOM

Developments in Related Fields of Activity

The controversy concerning genetically modified varieties is such that steps leading to the addition of such varieties to the national list has been the subject of challenge in the High Court. There has been no objection to the grant of intellectual property rights in such varieties.

URUGUAY

Situation in the Legislative Field

The National Seeds Institute, a non-governmental public activity agency, is by law the Uruguayan department responsible for:

- the registration of plant variety ownership and the grant of plant breeders' rights;
- the National Register of Varieties;
- the Register of Seed Creators, Producers and Traders;
- the production and trading of seed (certification, control of trade, etc.);

- the Official Seed Testing Laboratory;
- the authorization and supervision of private testing laboratories, certifying companies and seed sampling agencies.

It started operations in June 1997, and from that date its central headquarters were located in offices that belong not to it but to the Ministry of Livestock, Agriculture and Fishery, until it moved to a new headquarters at the beginning of October.

The opportunity is taken to mention that the new central headquarters is on a 50-hectare property located 28 kilometers from the capital of the country, and that INASE activities take place there, whether administrative work, laboratory testing or field or glasshouse trials (DUS testing and post-controls).

Situation in the Technical Field

In Uruguay, for the issue of final property titles, the INASE has to conduct prior tests of distinctness, uniformity and stability, and for the purposes of seed certification and control of the seed trade, post-controls have to be conducted for verification of purity. The trial fields are also used for the development of guidelines or testing methods suited to local conditions and genotypes for varieties of species becoming available for ownership for the first time.

Activities for the Promotion of Plant Variety Protection

Uruguayan experts have taken part in a number of meetings or seminars for the promotion of plant breeders' rights at both the international and the regional level, events held in Argentina, Brazil, Costa Rica and Nicaragua being noteworthy in that respect.

Specific technical support has also been given to Bolivia, (DUS testing and post-control) and to Nicaragua in connection with its draft Law on the Protection of New Varieties of Plants.

ALCA

The Delegation of MERCOSUR made a submission to the ALCA negotiating group on intellectual property rights concerning the importance of plant variety protection, pointing out that due account had to be taken of the need to provide effective protection on the lines of that afforded by the UPOV system. The proposal was approved by consensus in the course of the meeting of the group on September 9 last.

II. OBSERVER STATES

NICARAGUA

Situation in the Legislative Field

A plant variety protection law is in preparation. It was hoped that the law might be adopted by the end of the week of the Council session.

ROMANIA

Situation in the Legislative Field

The Law no. 255 on the protection of new plant varieties was adopted by the Parliament of Romania on December 30, 1998.

By letter of February 23, 1999, Romania requested the advice of the Council of UPOV on the conformity of the Law no. 255 with the UPOV Convention. The general conclusion of the Council was that the Law in its main provisions incorporates the substance of the Convention, with some minor deviations to be corrected in the Regulations.

As a consequence Romania drafted the Regulations for implementing the Law no. 255 and a project of the law for joining the UPOV Convention which at present has to be approved by the Parliament.

For the Seed Law no. 75/1995, amended in 1999, new regulations were drafted.

From September 25, 1999, Romania is a member of the Budapest Treaty regarding the international deposit of micro-organisms.

A law has been drafted for the releasing into the environment of genetically modified organisms, at the initiative of the Ministry of the Environment.

Situation in the Administrative Field

In the field of plant breeder's rights Romania is in a transitional period. The provisions of the Patent Law no. 62/1991 regarding the protection of new varieties of plant were canceled.

A new procedure was set up on the basis of Law no. 255 on the protection of new plant varieties, the Office being responsible for the formal and substantive examination and the Institute for Testing and Registration of Plant Varieties for the technical examination.

Regarding the number of applications during 1998, 38 applications were filed with the State Office for Inventions and Trademarks as follows:

- Agricultural crops 18;
- Vegetables 6;
- Flowers 10;
- Fruit-trees and vines 4.

Thirty-five titles of protection were granted and 165 variety patents are in force.

Situation in the Technical Field

The Institute for Testing and Registration of the Plant Varieties was designated by the Government to be the national authority responsible with DUS testing and at present it is undergoing a process of reorganization.

The Department for Seed and Propagating Material Inspection of the Ministry of Agriculture and Food Industry was reorganized and became the official national authority responsible with the inspection, certification and post control of propagating material.

Inspection was organized with one Central Station and in 30 regional laboratories. They are working according to OECD norms for different species and by the end of 2000 they will be harmonized with all European Community regulations.

TUNISIA

Tunisia adopted Law no. 42 of May 10, 1999, which conforms in principle with the 1991 Act of the UPOV Convention and was working on implementing regulations. The Government of Tunisia hoped to continue to receive support from UPOV to become a UPOV member State.

III. ORGANIZATIONS

EUROPEAN COMMUNITY

The European Community supplemented its report in document C/33/3 by emphasizing that there were no political impediments to European Union membership of UPOV. Any delay is due to practical considerations. It was hoped that the European Union would soon join UPOV. The European Community is already collaborating with UPOV in all its activities and would be hosting a UPOV meeting in 2000.

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

The Organisation for Economic Co-operation and Development (OECD) supplemented its written report in document C/33/3 with three points. Firstly, Brazil and Lithuania would join the seed schemes within about three weeks, at the end of the written procedure within the OECD Council. The former Yugoslav Republic of Macedonia, Slovakia and Egypt, were now candidates to join the schemes. When they join, a total of 48 States will take part in the OECD system, 27 OECD members and 21 non-members of OECD. Secondly, arrangements are now in place for field inspection to be carried out by accredited agencies. Accreditation of samplers is also being studied closely with the European Union, ISTA and FIS. Thirdly, although this does not have a direct bearing on the seed system, the OECD was given an assignment at the G8 summit in Cologne to prepare a report for submission to the Heads of Government meeting on food security and other aspects of biotechnology. The OECD Council is at present discussing the best procedure for carrying out this assignment. The seed system will be involved to some extent. An investigation is going to be made of tolerance levels and procedures for the separation of genetically modified organisms. FIS will be involved and ISTA is also being asked whether it wants to take part in the initiative.

PAN-AMERICAN SEED SEMINAR - URUGUAY

Activities for the Promotion of Plant Variety Protection

FELAS (Latin American Seed Federation) organizes every other year the Pan-American Seed Seminars, meetings of growing importance not only from the technical and commercial point of view, but also as forums where Latin American countries debate and resolve policies relating to the seed industry. More and more, these conferences are becoming world meetings as participants from all parts of the globe and from all the main associations participate in the forums.

The XVII Pan-American Seed Seminar will take place in Punta del Este, Uruguay, between November 20 and 24, 2000 (* WEB site: www.XVIIISPS.com.uy).

[End of Annex IV and of document]