



C/39/14

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-Ninth Ordinary Session
Geneva, October 27, 2005

REPORT ON THE DECISIONS

adopted by the Council

Introduction

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirty-ninth ordinary session in Geneva on October 27, 2005, chaired by Miss Enriqueta Molina Macías (Mexico), President of the Council.
2. The list of participants is reproduced in the Annex to this document.
3. The President extended a warm welcome to the Delegation of the European Community which, on July 29, 2005, was the first intergovernmental organization to become a member of UPOV, and to the Delegation of Albania, a State which had become the sixtieth member of UPOV on October 15, 2005.
4. The Delegation of the United Kingdom, speaking on behalf of the Presidency of the Council of the European Union, and the Delegation of Albania expressed their gratitude for the welcome which the European Community and Albania had received on becoming members.
5. The Council took the decisions recorded below, under each relevant agenda item.
6. The draft detailed report on the session will be submitted to the Council for adoption by correspondence.

Adoption of the Agenda

7. The Council adopted the draft agenda, as proposed in document C/39/1, after the deletion of item 3 “Examination of the conformity of the legislation or proposed legislation of any State or organization having submitted a request under Article 34(3) of the 1991 Act of the UPOV Convention” and after having added document C/39/13 “Rules governing the grant of observer status in UPOV bodies and access to UPOV documents” under item 4 of the draft agenda.

Report by the President on the Work of the Sixty-Ninth and the Seventieth Sessions of the Consultative Committee; Adoption of Recommendations, if Any, Prepared by That Committee

8. The Council noted the report by the President.

9. The President informed the Council that the Consultative Committee decided to include an item in the draft agenda of its seventy-first session, on April 7, 2006, in order to consider the issues raised by the breeders’ organizations at the Meeting on Enforcement of Plant Breeders’ Rights, which was held on the afternoon of October 25, 2005.

10. The Council adopted the “Rules Governing the Granting of Observer Status to States, Intergovernmental Organizations and International Non-Governmental Organizations in UPOV Bodies and Access to UPOV Documents”, as contained in document C/39/13, and decided to post them in the freely accessible area of the UPOV website.

Annual Report of the Secretary-General for 2004; Report on Activities During the First Nine Months of 2005

11. The Council approved the report of the Secretary-General on the activities of the Union in 2004, provided in document C/39/2, and noted the report on activities during the first nine months of 2005, provided in document C/39/3.

12. The Council expressed appreciation to the Office of the Union for the work it had carried out, and also to the World Intellectual Property Organization (WIPO) for the assistance it provided.

Progress of the Work of the Administrative and Legal Committee

13. The Council noted the work of the Administrative and Legal Committee (CAJ), as described in document C/39/9, and the oral report made by the Chairman of the CAJ.

Progress Report of the Work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

14. The Council noted the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular, as provided in document C/39/10, and approved the programs of work set out in that document.

Interim Financial Statement for 2004; Arrears in Contributions as of October 21, 2005

15. The Council noted document C/39/11 and the information that, due to a recent payment, Brazil had no arrears. No decision was called for under this agenda item.

Examination and Approval of the Draft Program and Budget of the Union for the 2006-2007 Biennium

16. The Council approved the proposals contained in document C/39/4, draft Program and Budget for the 2006-2007 Biennium, including the amount of contributions from members, the proposed maximum ceiling of expenditure in the regular budget and the total number of posts for the Office of the Union.

17. The Council was informed of the United Nations Joint Inspection Unit Report of February 2005, entitled "Review of Management and Administration in WIPO: Budget, Oversight and Related Issues", which contained Recommendation 7 concerning remuneration related to the duties of the Director General of WIPO as Secretary-General of UPOV. The Council took note of that Recommendation.

Calendar of Meetings in 2006

18. The Council approved the calendar of meetings in 2006, as presented in document C/39/8, subject to consultations of the Office of the Union, the Chairperson of the Technical Committee and the Chairman of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT), with the Government of the Republic of Korea concerning their new offer to hold the next session of the BMT in 2006.

Election of New Chairpersons

19. The Council elected, in each case for a term of three years ending with the forty-second ordinary session of the Council, in 2008:

(a) Mrs. Beate Rücker (Germany), Chairperson of the Technical Working Party for Agricultural Crops;

(b) Mrs. Sally Watson (United Kingdom), Chairperson of the Technical Working Party on Automation and Computer Programs;

(c) Mr. Alejandro Barrientos Priego (Mexico), Chairman of the Technical Working Party for Fruit Crops;

(d) Ms. Sandy Marshall (Canada), Chairperson of the Technical Working Party for Ornamental Plants and Forest Trees;

(e) Mr. Niall Green (United Kingdom), Chairman of the Technical Working Party for Vegetables;

(f) Mr. Henk Bonthuis (Netherlands), Chairman of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular.

Situation in the Legislative, Administrative and Technical Fields

20. The Council noted documents C/39/5, C/39/6, C/39/7 and C/39/12, and the explanations given by the Vice Secretary-General. No decisions were called for under this agenda item.

Other Matters

21. The Council noted that, as agreed by the Consultative Committee, working documents would only be made available on the UPOV website and would no longer be distributed by mail. Delegates and representatives should bring their own copies to the relevant sessions.

Retirement

22. The President noted that Mr. Karl Olov Öster (Sweden) would soon be retiring. The Council thanked him for his contribution as national delegate to sessions of UPOV bodies and as President of the Council of UPOV from October 26, 2000, to October 23, 2003. The President expressed to him her best wishes for a long and happy retirement.

23. The Council adopted this report at the close of the session.

[Annex follows]

ANNEXE / ANNEX / ANLAGE / ANEXO

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

I. MEMBRES / MEMBERS / VERBANDSMITGLIEDER / MIEMBROS

(dans l'ordre alphabétique des noms français des membres/
in the alphabetical order of the names in French of the members/
in alphabetischer Reihenfolge der französischen Namen der Mitglieder/
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