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UPOV

C/24/17

ORIGINAL: English

DATE: November 19, 1990

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL**Twenty-fourth Ordinary Session
Geneva, October 18 and 19, 1990**

REPORT ON THE DECISIONS OF THE COUNCIL

adopted by the CouncilOpening of the Session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its twenty-fourth ordinary session in Geneva on October 18 and 19, 1990.
2. The session was presided over by the President of the Council, Mr. W.F.S. Duffhues (Netherlands).
3. The list of participants is given in Annex I to this report.
4. A more detailed report will be prepared shortly after the session and will be adopted by correspondence.

Adoption of the Agenda

5. The Council adopted the agenda as appearing in document C/24/1.

Situation in the Legislative, Administrative and Technical Fields

6. The Council noted the declarations made under this agenda item.
7. A comment on fees and cost recovery lead to a general discussion of this subject. The Council decided that this subject should be added to the agenda of the next session of the Consultative Committee.
8. The Council also noted, with appreciation, the contents of documents C/24/5, 6 and 7.

Report by the President on the Work of the Forty-first and Forty-second Sessions of the Consultative Committee

9. The Council noted the report on the work of the forty-first session of the Consultative Committee as given in paragraph 14 of document C/24/3 and also the oral report by the President on the work of the forty-second session. That session took place on October 17 and had been mainly devoted to the preparation of the current session of the Council, to the relations of UPOV with developing countries and the holding of a symposium in 1991.

10. On the basis of a recommendation made by the Consultative Committee, the Council decided not to hold a symposium in 1991.

Report by the Secretary-General on the Activities of the Union in 1989 and in the First Nine Months of 1990

11. The Council unanimously approved the report by the Secretary-General on the activities of the Union in 1989 and in the first nine months of 1990 as contained in document C/24/2 and document C/24/3.

Report by the Secretary-General on his Management During the 1988-1989 Biennium and on the Financial Situation of the Union at December 31, 1989

12. The Council unanimously approved the report by the Secretary-General on his management during the 1988-1989 financial period and on the financial situation of the Union at December 31, 1989, as contained in document C/24/4, and thanked the Secretary-General for his successful management of the Office of the Union.

13. As far as arrears in contributions are concerned, it was noted that for 1989 all member States had paid the full amount of their contributions except the United States of America which, out of the assessed contribution of 217,560 Swiss francs, still owed 152,462 Swiss francs. As concerns the contributions for the current year (1990), all countries had paid all their contributions except the United States of America, which was in arrears for the total of its contribution (217,560 Swiss francs) and Italy, which still owed 3,014 Swiss francs out of its contribution of 87,024 Swiss francs. In a discussion in which several delegations participated, the Delegation of the United States of America said that its Administration was actively seeking authorization from Congress to promptly pay the contributions, which authorization did not yet exist. The Council, in conclusion, instructed the Secretary-General that in his next letter reminding the Government of the United States of America of its arrears in contributions, he should mention that the Council noted with concern the above facts and expressed the hope that the United States of America would remedy the situation.

Report on the Auditing of the Accounts of the 1988-1989 Biennium

14. The Council unanimously accepted the report of the auditors on the accounts of UPOV for the 1988-1989 biennium contained in document C/24/4, Annex B, and expressed its thanks to the Government of Switzerland for the work of auditing the accounts.

Progress of the Work of the Administrative and Legal Committee

15. The Council unanimously approved the report on the progress of the work of the Administrative and Legal Committee as contained in document C/24/9. It also noted the oral report on the twenty-eighth session of the Administrative and Legal Committee, given by Mr. J.-F. Prevel (France), its Chairman.

Preparations for the 1991 Diplomatic Conference for the Revision of the UPOV Convention

16. On the basis of a recommendation by the Consultative Committee, the Council unanimously decided to hold a Diplomatic Conference for the Revision of the UPOV Convention in Geneva from March 4 to 19, 1991.

17. The Council approved the draft new Act of the Convention to be submitted to the Diplomatic Conference in 1991 as the "Basic Proposal," as contained in document C/24/11, with the following changes:

(i) that the word "newness" be replaced by "novelty" in the title and paragraph (2) of Article 6;

(ii) that the word "events" be replaced by the word "facts" in Article 11(4);

(iii) that the reference to "Article 5" in Article 12 be replaced by a reference to "Articles 5 to 9";

(iv) that the words "directly obtained" in Alternative A of Article 14(c) be replaced by the words "made directly";

(v) that the words "directly obtained" in Article 16(2) be replaced by the words "made directly";

(vi) that the title "Income and Expenditure" of Article 29 be replaced by the title "Finances," that Article 30 become paragraph (6) in Article 29 and that consequential renumbering of later Articles and cross-references be effected;

(vii) that the reference to Article 2 in Article 36(2) be replaced by a reference to Article 3(1).

18. The Council unanimously approved the draft provisional agenda of the Diplomatic Conference of 1991 as referred to in document C/24/12.

19. The Council unanimously approved the draft Provisional Rules of Procedure of the Diplomatic Conference of 1991 as referred to and with the changes specified in document C/24/13. Furthermore, a new Rule 2(4) reading as follows was added: "The representatives of the European Communities shall have the same status as Observer Delegations." As one of the consequences, the representatives of the European Communities would have the right to sign the final act of the Diplomatic Conference. The Delegation of the United States of America reserved its position on that addition.

20. The Council unanimously approved the draft Notes and letters of invitations to the Diplomatic Conference of 1991 as referred to in document C/24/14 and noted that countries wishing the Note contained in Annex II of document CAJ/28/5 to be addressed to Ministers in addition to or in lieu of the Minister of Agriculture should give the necessary information in writing to the Office.

21. The Council unanimously approved the list of the States and organizations to be invited to the Diplomatic Conference of 1991 as proposed in document C/24/15.

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

22. The Council unanimously approved the reports on the progress of the work of the Technical Committee and of the Technical Working Parties as contained in document C/24/10 and its two supplements (documents C/24/10 Add. 1 and C/24/10 Add. 2).

23. The Council noted that the question of the setting up of an international variety denomination database would be taken up by the Administrative and Legal Committee in a future session in the context of the question of interactive access to international data.

24. The Council noted with approval the plans for the future work of the Technical Committee and the Technical Working Parties.

Calendar of Meetings in 1991

25. Discussions were based on document C/24/8.

26. The Council unanimously adopted the calendar of meetings as appearing in Annex II to this document.

Recognition of the Competence of the Administrative Tribunal of the International Labour Organisation (ILO)

27. The Council unanimously made the following declaration and asked the Secretary-General to forward a certified copy of it to the Director General of ILO:

"The Council of the International Union for the Protection of New Varieties of Plants (UPOV) hereby recognizes the jurisdiction of the Administrative Tribunal of the International Labour Organisation, as well as its Rules of Procedure, for the purpose of hearing complaints by staff members of UPOV alleging non-observance, in substance or in form, by UPOV of the terms of appointment of staff members of UPOV and of the provisions of the Staff Regulations and Staff Rules of the International Bureau of the World Intellectual Property Organization that are applicable to the said staff members."

Election of New Chairmen

28. The Council unanimously elected the following as Chairmen of Technical Working Parties for a term of three years, expiring at the end of the ordinary session of the Council in 1993:

Technical Working Party on Automation and Computer Programs:
Mr. K. Kristensen (Denmark)

Technical Working Party for Fruit Crops: Dr. B. Spellerberg (Germany)

Technical Working Party for Ornamental Plants and Forest Trees:
Mrs. E. Buitendag (South Africa)

Technical Working Party for Vegetables: Mr. N.P.A. van Marrewijk
(Netherlands).

29. The Council decided to prolong the chairmanship of the Technical Working Party for Agricultural Crops of Dr. M.S. Camlin (United Kingdom) for one year so as to end after the ordinary session of the Council in 1993.

30. This report was unanimously adopted by the Council at its meeting of October 19, 1990.

[Annexes follow]

C/24/17

ANNEX I/ANNEXE I/ANLAGE I

LIST OF PARTICIPANTS*/LISTE DES PARTICIPANTS*/TEILNEHMERLISTE*

I. ETATS MEMBRES/MEMBER STATES/VERBANDSSTAATEN

AFRIQUE DU SUD/SOUTH AFRICA/SUEDAFRIKA

- Mr. D.C. LOURENS, Chief Director, Department of Agriculture, Private Bag X250, Pretoria
- Dr. S. VISSER, Agricultural Attaché, South African Embassy, 59, quai d'Orsay, 75007 Paris, France

ALLEMAGNE/GERMANY/DEUTSCHLAND

- Dr. D. BÖRINGER, Präsident, Bundessortenamt, Osterfelddamm 80, Postfach 61 04 40, 3000 Hannover 61
- Herr W. BURR, Ministerialrat, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn 1

AUSTRALIE/AUSTRALIA/AUSTRALIEN

- Mr. B.J. LOUDON, Acting Registrar, Plant Variety Rights, Plant Variety Rights Office, P.O. Box 858, Canberra A.C.T. 2601

BELGIQUE/BELGIUM/BELGIEN

- M. W.J.G. VAN ORMELINGEN, Ingénieur agronome, Ministère de l'agriculture, Manhattan Center, 21, avenue du Boulevard, 1210 Bruxelles

DANEMARK/DENMARK/DAENEMARK

- Mr. F. ESPENHAIN, Chairman, Plant Novelty Board, Plant Directorate, Skovbrynet 20, 2800 Lyngby

ESPAGNE/SPAIN/SPANIEN

- Mr. R. LÓPEZ DE HARO, Director Técnico de Certificación y Registro de Variedades, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal, 56, 28003 Madrid

* In French alphabetical order of the names of the States and the acronyms of the organizations/
 Dans l'ordre alphabétique français des noms des Etats et des sigles des organisations/
 In französischer alphabetischer Reihenfolge der Namen der Staaten und der Akronyme der Organisationen

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Mlle N. BUSTIN, Secrétaire général, Comité de la protection des obtentions végétales, Ministère de l'agriculture, 11, rue Jean Nicot, 75007 Paris

HONGRIE/HUNGARY/UNGARN

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NOUVELLE-ZELANDE/NEW ZEALAND/NEUSEELAND

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Dr. H. SZURPICKI, Head of Cultivars Registration Department, Research Center for Cultivars, 63-022 Slupia Wielka

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Mr. J. ARDLEY, Deputy Controller, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF

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II. ETATS OBSERVATEURS/OBSERVER STATES/BEOBACHTERSTAATEN

ARGENTINE/ARGENTINA/ARGENTINIEN

Sr. H.A. ORDOÑEZ, Asesor de Gabinete, Ministerio de Economía, Secretaría de Agricultura, Ganadería y Pesca, Paseo Colón 982 - 1º P., Buenos Aires

BOLIVIE/BOLIVIA/BOLIVIEN

Mme V. BANZER, Premier secrétaire, Mission permanente de la République de Bolivie, 7, rue du Valais, 1202 Genève, Suisse

BULGARIE/BULGARIA/BULGARIEN

Mr. T. TOSHEV, Deputy Director General, Institute of Inventions and Rationalizations (INRA), 52 B, Blvd. G.A. Nasser, 1113 Sofia

EGYPTE/EGYPT/AEGYPTEN

Prof. Dr. Y.A. HAMDY, Agricultural Counsellor, Egyptian Embassy, 267, via Salaria, Roma, Italy

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Dr G. PIETSCH, Ingénieur agronome, Expert de la GTZ (Coopération maroc-allemande), Service de contrôle et de certification des plantes, B.P. 6437, Rabat

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- Dr. J. ZÁKREJS, Director of Research Development, Ministry of Economy,
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- Dr. M. VÁSA, Head of Department for Research Breeding and Multiplication of
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- M. M. ZICH, Deuxième secrétaire, Mission permanente de la République
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III. ORGANISATIONS INTERGOUVERNEMENTALES/
INTERGOVERNMENTAL ORGANIZATIONS/
ZWISCHENSTAATLICHE ORGANISATIONEN

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE (FAO)/
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)/
ERNAEHRUNGS- UND LANDWIRTSCHAFTSORGANISATION DER VEREINTEN NATIONEN (FAO)

- Dr. L.M. BOMBIN, Legal Officer, FAO, Via delle Terme di Caracalla,
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ORGANISATION DE COOPERATION ET DE DEVELOPPEMENT ECONOMIQUES (OCDE)/
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INTERNATIONALE NICHTSTAATLICHE ORGANISATIONEN

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INTERNATIONAL ASSOCIATION FOR THE PROTECTION OF INDUSTRIAL PROPERTY (AIPPI)/
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SEED COMMITTEE OF THE COMMON MARKET (COSEMCO)/
COMITE DES SEMENCES DU MARCHE COMMUN (COSEMCO)/
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- Mr. R.K. PERCY, President of the Biotechnology Commission, Patent Department, British Technology Group, 101, Newington Causeway, London SE1 6BU, United Kingdom

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- Mr. R. LÓPEZ DE HARO Y WOOD, Vice-Chairman

VI. BUREAU DE L'UPOV/OFFICE OF UPOV/BUERO DER UPOV

- Dr. A. BOGSCH, Secretary-General
- Mr. B. GREENGRASS, Vice Secretary-General
- Mr. A. HEITZ, Senior Counsellor
- Dr. M.-H. THIELE-WITTIG, Senior Counsellor
- Mr. M. TABATA, Senior Program Officer

VII. BUREAU INTERNATIONAL DE L'OMPI/
INTERNATIONAL BUREAU OF WIPO/
INTERNATIONALES BUERO DER WIPO

- Dr. T.A.J. KEEFER, Director and Controller, Budget and Finance Division

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

C/24/17

ANNEX II

DATES OF MEETINGS IN 1991

presented in the order of the organsCouncil

October 24 and 25

Diplomatic Conference

March 4 to 19, Geneva

Consultative CommitteeMarch 18
October 23Administrative and Legal Committee

October 21 and 22

Technical Committee

October 16 to 18

Technical Working Party for Agricultural Crops

May 13 to 17, Beltsville, United States of America

Technical Working Party on Automation and Computer Programs

May 29 to 31, La Minière, France

Technical Working Party for Fruit Crops

June 11 to 14, Bordeaux, France

Technical Working Party for Ornamental Plants and Forest Trees

June 24 to 28, Cambridge, United Kingdom

Technical Working Party for Vegetables

June 4 to 7, Hungary

UPOV Seminar

November 12 to 15, Tokyo, Japan

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