



C/30/17

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirtieth Ordinary Session
Geneva, October 23, 1996

REPORT

adopted by the Council

Introduction

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirtieth ordinary session in Geneva on October 23, 1996, under the chairmanship of Mr. Bill Whitmore (New Zealand).
2. The list of participants is given in Annex I to this report.
3. The indented paragraphs are taken from the record of the decisions taken at the session, which the Council adopted at the end of its meeting (document C/30/15).

Opening of the Session

4. The session was opened by the President, who welcomed the participants.
5. The President expressed particular satisfaction at the presence of the Delegation of Colombia, a State which had become a member of UPOV on September 13, 1996.
6. The Delegation of Colombia thanked the President for his warm welcome. It also thanked the Member States, the Office of the Union and those persons who had assisted the

Colombian authorities and enabled Colombia to become a member of UPOV. Its statement on substance has been incorporated in the report given at Annex III to this report.

7. The President announced that the Delegation of Australia had conveyed its apologies for not being in a position to participate in the session.

Adoption of the Report on the Twenty-Ninth Ordinary Session

8. The Council adopted the report as given in document C/29/15 Prov.

Examination of the Conformity of the Laws of any State Having Submitted a Request Under Article 32(3) of the 1978 Act or Article 34(3) of the 1991 Act of the UPOV Convention

Bulgaria

9. The Council noted that the law of Bulgaria essentially conformed to the 1991 Act and that the request for advice related to both the 1978 Act and the 1991 Act, since Bulgaria wished to become a member of UPOV as soon as possible.

10. The Council decided:

(a) to take a positive decision on the conformity of the Law on the Protection of New Plant Varieties and Animal Breeds of Bulgaria with the provisions of the 1978 Act, in accordance with Article 32(3) of that Act, and with the provisions of the 1991 Act, in accordance with Article 34(3) of that Act;

(b) to authorize the Secretary-General to inform the Government of Bulgaria of that decision.

Kenya

11. On the basis of the general conclusion drawn by the Office of the Union in paragraph 30 of document C/30/13 and the declaration by the Delegation of Kenya that it had taken due note of those conclusions, the Council decided:

(a) to advise the Government of Kenya that the Seeds and Plant Varieties Act, 1972, and the Seeds and Plant Varieties (Plant Breeder's Rights) Regulations, 1994, would conform to the 1978 Act of the Convention once the amendments set out in paragraph 30(a) of document C/30/13 had been made;

(b) to further advise the Government of Kenya that, once those amendments had been introduced, it could deposit an instrument of accession to the 1978 Act;

(c) to authorize the Secretary-General to inform the Government of Kenya of the above decision and advice.

Panama

12. On the basis of the general conclusion drawn by the Office of the Union in paragraph 36 of document C/30/14, the Council decided:
 - (a) to take a positive decision on the conformity of the Bill of Panama on the Norms for the Protection of New Plant Varieties in Panama with the provisions of the 1978 Act of the Convention;
 - (b) to advise the Government of Panama that, after the enactment of the Law, without substantive changes, it could deposit an instrument of accession to the 1978 Act (provided that the Act remained open to accession at the date on which the instrument was deposited);
 - (c) to authorize the Secretary-General to inform the Government of Panama of the above decision and advice.

Trinidad and Tobago (and possibly other States)

13. The Council was informed that the Office of the Union had received, during the night, a request for advice from Trinidad and Tobago on the conformity of a Bill entitled “an Act to Provide for the Protection of New Varieties of Plants” with the 1978 Act of the Convention. It decided that that request—and similar requests that may be received in the forthcoming months—would be examined by correspondence, it being understood that any member State that failed to reply within the specified deadline, would be deemed to agree with the conclusions of the Office of the Union. If a Member State submitted comments, the matter would be submitted to the President for a decision.

Report by the President on the Work of the Fifty-First and Fifty-Second Sessions of the Consultative Committee; Adoption of Recommendations, if any, Prepared by that Committee

14. The President referred to paragraph 13 of document C/30/3 with regard to the work of the fifty-first session. With regard to the fifty-second session, held the previous day, he made the following announcements:
 - (a) The Committee had carried out a preparatory examination of certain items on the Council’s agenda.
 - (b) The Committee had examined, without having reached a conclusion, the possibility of adjusting the UPOV system of contributions in order to reduce the amount constituting the minimum contribution, and also the matter of closure of accessions to the 1978 Act after the entry into force of the 1991 Act.
 - (c) The Committee had noted the information provided on progress of work with the UPOV CD-ROM, on the work of the Administrative and Legal Committee concerning the

policy to be adopted with regard to the TRIPS Agreement and its forthcoming revision, and on the work carried out in other quarters concerning biodiversity and plant genetic resources.

(d) The Committee had supported the principle of holding a World Seed Conference in 1999, to mark the seventy-fifth anniversary of ISTA and of FIS, and of UPOV's participation in that conference.

(e) The Committee had endorsed the position adopted by the Administrative and Legal Committee on the proposal made within WIPO to include the UPOV Convention as a source treaty in the sphere of application of the draft (WIPO) Treaty on the Settlement of Intellectual Property Disputes Between States. That position was as follows: "While taking no position on the desirability of a WIPO treaty on the settlement of intellectual property disputes between States, UPOV has no objection to being included in a treaty on that subject if that treaty were concluded to the satisfaction of UPOV members."

15. The Council endorsed that position and requested the Office of the Union to convey it to WIPO.

Report by the Secretary-General on the Activities of the Union in 1995; Supplementary Report on Activities During the First Nine Months of 1996

16. The Council approved the report by the Secretary-General on the activities of the Union in 1995, given in document C/30/2, and noted the report on activities during the first nine months of 1996, given in document C/30/3.

17. The Council expressed appreciation to the Office of the Union for the work carried out and also to WIPO for the assistance provided.

Report by the Secretary-General on his Management during the 1994-95 Biennium and on the Financial Situation of the Union at December 31, 1995

18. The Council unanimously approved the report by the Secretary-General on his management during the 1994-95 biennium and on the financial situation of the Union at December 31, 1995, as contained in document C/30/4.

19. The Council noted the fact that Annex A.11 reflected United Nations practice, but was not altogether relevant for UPOV.

Report on the Auditing of the Accounts for the 1994-95 Biennium

20. The Council noted the report of the auditors on the accounts of UPOV for the 1994-95 biennium contained in document C/30/4, Annex B, and expressed its gratitude to the Government of Switzerland for its cooperation in that matter.

Progress of the Work of the Administrative and Legal Committee

21. The Council noted the work of the Administrative and Legal Committee as described in document C/30/9.

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

22. The Council noted the work of the Technical Committee and the Technical Working Parties as described in document C/30/10 and its addendum and approved the programs of work for the forthcoming sessions, following a discussion in which the Delegations of Denmark, France, Germany and Spain intervened.

23. The Delegation of Germany criticized three aspects of the work of UPOV's technical bodies:

(a) Those bodies should concentrate on drawing up standards, recommendations and guidelines for examining distinctness, homogeneity and stability and for variety description for the purposes of protection; everything that was "supplementary information"—and therefore not accepted for establishing distinctness—was in no need of harmonization and should not be dealt with by those bodies which, as a general rule, should not act as a scientific forum.

(b) It was in no way appropriate to make a selection of varieties prior to examination using characteristics and methods that had not been chosen for examining distinctness; consequently, UPOV bodies should not seek to make proposals or recommendations in that field.

(c) As far as mentioning trade names used for a variety in the forms supplied by the applicant was concerned, the application heading relating to novelty and the technical questionnaire heading relating to any other useful information for examining the variety were sufficient.

24. In response to the first comment, the Delegations of France and Spain stated that the technical bodies of UPOV should be able to work in a broader context. Their activities should not be limited to setting up common standards for decisions on the grant of protection; on the contrary, they should extend to studying all methods capable of use in variety examination to enable the competent authorities to understand them, to assess them from the scientific, technical, operational and financial points of view and, finally, to adopt them (after possible adaptation and development) or to reject them (on the basis of full arguments to back up their decision).

25. In response to the second comment, the Delegation of France pointed out that the aim was to define a rational examination arrangement by grouping the varieties that were closely related *a priori* from a genetic point of view; it was therefore a question of method and had no other effect on the final decision than to make it easier to take.

26. The Delegation of Denmark commented on the fact that the attention of the technical experts had to be drawn to the need to maintain minimum differences between varieties if the concept of variety was to keep its meaning. Some producers were complaining of the fact that differences had become too small and that was leading to problems in the running of their businesses.

Calendar of Meetings in 1997

27. The Council established the calendar of meetings in 1997 as reproduced in Annex II to this report.

28. The Council noted that two days had been scheduled for the Spring session of the Consultative Committee for two reasons: to enable the Committee, if necessary, to face up to a considerable workload due to the entry into force of the 1991 Act and of the resultant closure of accessions to the 1978 Act and, possibly, to devote one day to an information meeting on plant variety protection. It also noted that the Technical Committee would not meet in Autumn 1997, but in Spring 1998 (as for the following years).

Election of the New Chairmen of the Technical Working Parties

29. The Council elected, in each case for a term of three years ending with the thirty-third ordinary session of the Council, in 1999:

(a) Mr. Aubrey Bould (United Kingdom) Chairman of the Technical Working Party for Agricultural Crops;

(b) Mr. John Law (United Kingdom) Chairman of the Technical Working Party on Automation and Computer Programs;

(c) Mr. Chris Barnaby (New Zealand) Chairman of the Technical Working Party for Fruit Crops;

(d) Mr. Joost Barendrecht (Netherlands) Chairman of the Technical Working Party for Ornamental Plants and Forest Trees;

(e) Mr. Baruch Bar-Tel (Israel) Chairman of the Technical Working Party for Vegetables.

30. The Council decided to extend the chairmanship of Mr. Joël Guiard (France) of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular, for another year.

31. The Council expressed its appreciation to the outgoing Chairmen—Mrs. Elise Buitendag (South Africa), Mr. Huib Ghijsen (Netherlands), Mr. Sylvain Grégoire (France), Mrs. Elisabeth Kristóf (Hungary) and Mrs. Ulrike Löscher (Germany)—for the work carried out during their terms of office.

Situation in the Legislative, Administrative and Technical Fields

a. Reports by Representatives of States (Member States and Observer States) and of International Organizations

32. The Council noted the reports given in document C/30/11 and its two addenda and heard additional reports. Those reports are given in Annex III to this report.

b. Data Assembled by the Office of the Union on the State of Protection in Member States and Cooperation Between Them

33. The Council noted the content of documents C/30/5, C/30/6, and C/30/7.

34. The Council unanimously adopted this report at its thirty-first ordinary session, on October 29, 1997.

[Three Annexes follow]

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ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

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ANNEX II

DATES OF MEETINGS IN 1997

presented in the order of the organs

Council

October 29

Consultative Committee

April 29 and 30 [session held on April 29]
October 28

Administrative and Legal Committee

October 27

Technical Committee

No meeting in 1997

Technical Working Party for Agricultural Crops

November 10 to 14, Montevideo, Uruguay

Technical Working Party on Automation and Computer Programs

June 3 to 5, Budapest, Hungary

Technical Working Party for Fruit Crops

September 8 to 12, Wageningen, Netherlands

Technical Working Party for Ornamental Plants and Forest Trees

September 1 to 5, Svendborg, Denmark

Technical Working Party for Vegetables

November 24 to 28, Valencia, Spain

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

March 11 to 13, Cambridge, United Kingdom

ANNEX III

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

I. MEMBER STATES

ARGENTINA

Situation in the Legislative Field

On February 28, 1996, the National Seed Institute (INASE) adopted Resolution No. 35/96 to regulate the procedure to be followed by producers wishing to use their own seed under the “farmer’s privilege.”

A start has been made on analyzing the possibilities for adapting the Law on Seed and Phytogenetic Creations to the 1991 Act; it was concluded that a new law was not necessary and that the necessary amendments, particularly the scope of the breeder’s right and the concept of essentially-derived variety, could be introduced by decree.

Situation in the Administrative Field

In 1995, 181 applications for protection were filed and 80 titles of protection were issued; 376 applications for entry in the National Register of Cultivars were filed and 92 entries were made, bringing the total of registered varieties to 640.

In 1996, until September 30, 71 applications for protection were filed and 82 titles of protection were issued; 417 applications for entry in the National Register were filed and 251 entries were made.

Situation in the Technical Field

The release of genetically modified organisms into the environment is regulated in Argentina by the National Commission for Agricultural Biotechnology (CONABIA), on which INASE is represented.

In 1996, five titles of protection were issued for genetically modified soybean varieties that are resistant to glyphosate.

Activities for the Promotion of Plant Variety Protection

Technical experts from Bolivia, Brazil, Colombia, Ecuador and Paraguay visited INASE in 1995 to acquaint themselves with the protection and registration procedures of Argentina.

Argentina actively contributes through its delegates from INASE to the drafting of the draft Agreement, between a number of member States of the Latin-American Integration Association (ALADI), on the Harmonization of the Norms and Policies Relating to the Rights of Breeders of Plant Varieties.

The President of INASE, Mrs. Adelaida Harries, holds the presidency of the Seed Committee of ALADI for the July 1995-July 1997 term, and Argentina provides the technical secretariat of the Committee through INASE.

With respect to MERCOSUR, Argentina also contributed actively to the drafting of a draft Agreement on the Harmonization of the Norms and Policies Relating to the Rights of Breeders of Plant Varieties.

At national level, meetings were held with seed producers and traders to inform them on the scope of protection and the exceptions.

Developments in Related Fields of Activities

The 1996 Annual Meeting of the OECD Systems of Varietal Certification of Seed Moving in International Trade took place in Buenos Aires and was organized by INASE.

INASE is not only competent for plant variety protection and national listing matters, but also for seed certification and control. In the framework of its activities in the latter area, it gives effect to the breeder's right by requesting proof of the breeder's authorization in respect of seed from protected varieties put into circulation.

AUSTRALIA

Situation in the legislative field

Minor amendments were made to the Regulations on October 3, 1995, with regard to:

- the authorization of test centers for the conduct of comparative growing trials;
- the possibility of refunding or remitting fees paid in excess of the amount or service provided;
- fees for designation as an approved person (the so-called Qualified Person);
- fee discounts when varieties are tested at authorized test centers.

The Administrative Appeals Tribunal (AAT) rejected an appeal by Sun World against the decision of the Registrar of Plant Breeder's Rights to refuse the grant of rights in respect of the grape variety 'Sugraone.' The grounds of the Registrar's decision were that "sale" had occurred more than six years prior to the filing of the application. The definition of sale was taken to include "letting on hire or exchanging by way of barter." The decision of the AAT is itself being appealed by Sun World in the Federal Court.

Cooperation in Examination

Cooperative arrangements are being planned with Denmark following the UPOV model agreement. Some changes will be required in Australian legislation to accommodate the payment of fees for the services provided by the testing authority. In addition, the question of access by the testing authority to trial data (which becomes the sole property of the requesting authority) is yet to be resolved.

Situation in the Administrative and Technical Fields

The staffing structure of PBR Australia has changed significantly in the last 12 months. All but one staff have been replaced and all positions redefined. There are now seven staff in the Office, comprising four examiners, two administrators and the Registrar. Experienced plant breeders have been appointed as examiners.

Many new procedures have been introduced to improve the processing rate and cost recovery of the office.

Field examinations have been streamlined and new formats developed for variety descriptions.

	Financial year 1995-96	Total 1988-96
Applications received	249	1,570
Applications processed	261	850
Applications pending		720

Despite concerns over the notion of essentially derived varieties, there has been no slackening in the number of applications received. This was in part the result of applications coming from an accumulated pool of material that breeders had, in the past, considered too important to risk in markets offering "lesser protection."

Australia's "breeder testing" system is now somewhat less controversial as other member States recognize its merits for some specific circumstances. For its part, Australia has recognized the usefulness of centralized testing and has introduced Regulations to allow

for institutions, companies or private individuals to be authorized by the PBR office to carry out DUS testing for specific genera.

Australian legislation conforming with the 1991 Act of the UPOV Convention was fully implemented with the first grant of PBR under the new law in December 1995.

Due to escalating costs and the imbalance between purchases and sales of official test reports, PBR Australia with regret decided that from July 1997 it would be the applicants' responsibility to procure certified copies of the official test reports from the testing authority.

Activities for the Promotion of Plant Variety Protection

PBR Australia has been involved in the following major promotional activities:

- National Workshop on Native Species - Registering Native Species;
- National Industry Association of Australia - Scope of PBR Protection;
- Asia and Pacific Seed Association study tour - PBR in Australia, an alternative model;
- New South Wales Seed Producers Association - Implications for Seed Growers of Changes to Plant Variety Protection Legislation;
- Conference - The Practicalities of Protecting Plant Innovation.

AUSTRIA

Situation in the Legislative Field

The calendar for the adjustment of the law to the 1991 Act has not been fixed yet.

The application and examination fees have been increased.

Cooperation in Examination

An administrative agreement with France is in preparation.

Situation in the Administrative Field

From January 1 to August 31, 1996, 23 applications were received and 22 titles were issued; 178 titles were in force on August 31.

Developments in Related Fields of Activities

The draft new seed law has been released for comments. The results will be submitted to Parliament as soon as possible.

The implementing regulations to the Genetic Engineering Law (Official Journal No. 510/94) will be published as soon as possible. Austria has not approved any release yet.

BELGIUM

Situation in the Legislative Field

The completion of the draft new plant variety protection law should start in 1997.

No change in existing legislation is anticipated in the short term, except for an extension of protection to further genera and species.

Cooperation in Examination

Two agreements—with Denmark and France—are awaiting confirmation. New agreements or amendments to existing agreements may be concluded on the basis of the requests for extension of protection to further taxa.

Situation in the Administrative Field

The computerization of the Service for the Protection of New Plant Varieties has been under way since the end of 1994. The programs are now available, and the data on the files are being loaded. Once this has been completed, Belgium will be able to contribute to the UPOV database on CD-ROM.

From the entry into force of the system for the protection of new plant varieties to August 31, 1996, 2,070 applications for protection have been filed and 1,538 certificates issued, of which 757 are still in force. From September 1, 1995, to August 31, 1996, 292 titles of protection were issued.

Developments in Related Fields of Activities

The revision of the regulation on the production, control and certification of seed of agricultural crops is nearing completion and should be applicable as from 1997. The reorganization of the “Propagating Material” Service, which has this regulation within its attributions, is under study.

The orders for the implementation of the royal decree on the marketing of fruit plants for the production of fruit, ornamental plants, vegetable plants and propagating material of those plants with the exception of vegetable seeds have been all published.

A royal decree transposing Council Directive 90/220/EEC on the release of genetically modified organisms into the environment and a royal decree instituting a system of scientific determination of biosecurity are in preparation.

CANADA

Situation in the Legislative Field

Regulations are in place for 39 species. Regulations should be in place for all species by late 1997. Preliminary discussions on the 1991 Act of the Convention have been initiated with members of the industry affected by this legislation.

Situation in the Administrative Field

Canada has been receiving applications for plant breeders' rights since November 6, 1991. As of October 7, 1996, the Office received 962 applications and granted 274 rights.

CHILE

Chile is pursuing its implementation of the Law governing the rights of breeders of new plant varieties in accordance with the recommendations of UPOV. The first official variety bulletin has just been published.

COLOMBIA

Situation in the Legislative Field

Plant variety protection in Colombia is governed by Decision No. 345 (of October 21, 1993) of the Junta of the Cartagena Agreement—which sets up a common system for the sub-region—and by Decrees Nos. 533 (of March 8, 1994) and 2468 (of November 4, 1994). A resolution has been adopted with regard to the regulatory aspects and a schedule of fees has been drawn up.

Colombia is a member of UPOV on the basis of the 1978 Act, although its legislation contains most of the provisions of the 1991 Act. It is planned to examine that situation in the near future.

Colombia decided to accede to UPOV in order to unite its forces with those of all the other countries moved by the same wish to recognize plant breeders' rights and to profit from the beneficial effects of protection. That is an important issue for Colombia: at the dawn of the twenty-first century, the protection of plant varieties will make it possible to ensure improved returns on agricultural research, to modernize agriculture and to open it up to the world. The harmonization of its system of intellectual property rights in the plant field with those of other countries will create healthy competition, stimulate national research and enable the country to have access to new technologies.

Situation in the Administrative Field

In all, 290 applications have been received (of which 289 in 1996 and one in the preceding year), mainly with respect to ornamental plants and all on the basis of the transitional provision regarding the requirement of novelty.

Situation in the Technical Field

The Colombian Institute of Agriculture and Livestock has been designated by the Minister of Agriculture as the competent national authority and has been requested to establish examination facilities, one for the hot regions and the other in a cooler climate.

Technicians have been trained in Spain and the Netherlands.

Work is under way to draw up examination guidelines for tropical species not yet covered by UPOV documents, particularly for coffee and sugar cane. Applications have also been filed for tobacco varieties and the draft guidelines take into account the corresponding project in France.

CZECH REPUBLIC

Situation in the Legislative Field

An amendment of Act No. 132/1989 on the Legal Protection of New Plant Varieties and Animal Breeds is under preparation with a view to meeting the requirements of the 1991 Act of the Convention and reaching conformity with Regulation No. 2100/94 of the Council of the European Union.

As the 1991 Act requires protection to be made available for all plant species, the competent authority (the Central Institute for Supervision and Testing in Agriculture) is to prepare an extension of protection to 15 taxa (*Actinidia* L., *Allium porrum* L., *Alstroemeria* L., *Amaranthus* L., *Callistephus chinensis* (L.) Nees, *Cotoneaster* Medik., *Euphorbia pulcherrima* Willd. ex Klotzsch, *Fagopyrum esculentum* Moench, *Fuchsia* L., *Gerbera* L., *Impatiens* L., *Kalanchoë* Adans., *Malva* L., *Pelargonium* L'Hér. ex Ait., *Tagetes* L.).

Cooperation in Examination

An agreement on cooperation in examination with Slovenia is under preparation.

Situation in the Administrative Field

After an initial phase of increasing activities, the situation has become stable; in 1995, a total of 112 applications were filed and 193 certificates issued. In 1996, until September 1, 66 applications were filed and 72 certificates issued.

Activities for the Promotion of Plant Variety Protection

This year, the Technical Working Party for Vegetables has met for the first time in the Czech Republic.

The Czech Republic intends to host and to organize, together with the Office of the Union, a seminar for the countries of Central and Eastern Europe. The seminar is scheduled for the first decade of March 1997 and is to be held in Prague.

A group of experts from Slovenia visited the Czech Republic and was informed on the Czech testing system.

DENMARK

Situation in the Legislative Field

National legislation

An amended Plant Variety Protection Act entered into force on January 1, 1996, and brought the Danish legislation into conformity with the 1991 Act of the Convention. It has been translated into English.

Varieties of all genera and species are eligible for protection in accordance with the amended Act. The period of protection remains unchanged (25 years for all species except potato, for which the period is 30 years).

An Order which implements the provisions on the use of farm-saved seed entered into force on August 1, 1996. The Order follows very closely the corresponding provisions made under Council Regulation (EC) No. 2100/94 on Community plant variety rights, in particular as regards the species covered by the Order. The royalty for the use of farm-saved seed may not exceed 50% of the normal royalty on certified seed for the same variety. The setting of a maximum fee to be paid by the user reflects a decision of the Danish Parliament, which interpreted the term "sensibly lower" used in the said Council Regulation to mean an amount not exceeding 50% of the normal license fee.

Ratification of the 1991 Act of the Convention

The amended law made it possible for Denmark to ratify the 1991 Act of the Convention. The instrument of ratification was deposited on April 26, 1996.

Cooperation in Examination

In the autumn 1995, it had been planned to revise the agreements on cooperation in examination concluded with other member States. Due to special circumstances, the revision has been delayed and is still pending.

Situation in the Administrative Field

In 1995, 98 applications for plant breeders' rights were received, as follows:

Agricultural crops	42
Fruit	3
Vegetables	3
Ornamentals	50
<i>Total</i>	<i>98</i>

In 1995, the number of titles of protection issued was 221:

Agricultural crops	54
Fruit	5
Ornamentals	160
Landscape	2
<i>Total</i>	<i>221</i>

In the period from January 1 to September 1, 1996, 37 applications for protection were received and 90 titles of protection were issued.

Compared to 1994, there was a reduction of 204 applications in 1995 or 67.5%. The reduction concerns mainly ornamentals and agricultural crops (- 76% and - 22%, respectively). The reduction is the result of the introduction of the Community plant variety rights system, to which 260 applications originating from Denmark were submitted.

The institution of Community plant variety rights has considerable impact on the self-financed national schemes and the situation will have to be examined to ensure the continued existence of the national administrative and technical services.

Situation in the Technical Field—Genetically Modified Organisms

Variety Testing

As the variety testing for both plant breeders' rights and variety listing is to be self-financed from fees paid by the applicants, the reduction of the number of applications affects the financial situation in respect of tests for distinctness, uniformity and stability severely. The number of varieties going into testing for value for cultivation and use is expected to decrease also as an ever-increasing number of varieties of agricultural crops are commercialized within the European Union on basis of the Common Catalogue.

A report on the future of variety testing in Denmark is expected to be finalized in October 1996. The financial difficulties might lead to a need for reconsidering the present organization of the variety testing.

Genetically Modified Plants

In 1995, the Plant Directorate, Division of Gene Technology and Variety Testing, was asked by the Ministry of Environment to comment on 210 EU Summary Notification Information Formats (SNIFs) concerning experimental releases of genetically modified plants. In the period from January 1 to August 31, 1996, the Directorate reviewed a further 217 SNIFs.

In 1995, applications for EU marketing approval of genetically modified plants of leaf chicory, maize, soybean and rapeseed (two) have been assessed. The Directorate has assessed further applications for rapeseed and maize (two) in the period from January 1 to August 31, 1996.

Variety Testing of a Genetically Modified Plant Variety

In 1996, the first genetically modified plant variety entered into official variety testing in Denmark. The variety is a fodder beet of Danish origin and is the subject of an application for both plant breeders' rights and variety listing.

Developments in Related Fields of Activities

Notification of the Plant Variety Protection Legislation to the WTO Council for TRIPS

The Danish legislation on plant variety protection and the bilateral agreements for cooperation in examination concluded with other UPOV member States have been notified to the WTO Council for TRIPS.

FINLAND

Situation in the Legislative Field

Preparatory work with a view to adjusting the law to the 1991 Act of the Convention has started, and the interested circles are being consulted.

Protection was extended to 47 further species as from January 12, 1996.

Cooperation in Examination

The administrative agreement concluded with Germany has been amended and an agreement has been concluded with Denmark.

Situation in the Administrative Field

From October 4, 1995, to September 13, 1996, 16 applications were received and 70 titles were issued.

FRANCE

Situation in the Legislative Field

A draft Law to ratify the 1991 Act of the Convention and a draft revision to the Law on the Protection of New Plant Varieties are currently before the Council of State, whose opinion is compulsory prior to transmission to Parliament.

Since January 4, 1996, the date on which the Decree of December 28, 1995, was published in the Official Journal, all varieties in the plant kingdom have been eligible for plant variety protection. The right afforded to the breeder concerns all or a part of the plant of the protected variety, that is to say not only all propagating material, but also the harvested product. The working of the "cascade" has not been detailed in the Decree in view of the principle of exhaustion of the right that applies to each growing cycle. Payment of a royalty at any stage whatsoever in the growing cycle liberates all use of the material during that cycle.

Cooperation in Examination

The cooperation agreement with Sweden is currently under revision in order to extend it to new species.

An agreement is to be signed between France and Austria before the end of 1996 in order to give formal existence to cooperation that is already active.

Situation in the Administrative Field

In 1996, the number of applications received will probably drop by some 40% compared with the three preceding years. Likewise, numerous national titles or recently filed applications are likely to be relinquished in favor of the new Community right. It is as yet premature to draw final conclusions from that situation.

Activities for the Promotion of Plant Variety Protection

Mr. Joël Guiard participated actively in a seminar held by the authorities of Ecuador with the assistance of UPOV in Quito in July 1996.

Fruitful cooperation continued between France and Turkey with a view to that country's future accession to UPOV on the basis of the 1991 Act.

Indian and Pakistani officials were received in France in August 1996. They had an opportunity to meet with the head of the Plant Breeding Office (Mr. Alain Perrin) and with officials of national technical services and representatives of professional organizations of France.

GERMANY

Situation in the Legislative Field

The work on the draft law amending the Plant Variety Protection Law and the consultations have been pursued.

Cooperation in Examination

The administrative agreement concluded with the Plant Variety Board of Finland has been extended. The Federal Office of Plant Varieties will examine, on behalf of the latter, the varieties of the species *Brassica napus* ssp. *oleifera* (rapeseed); the results of the technical examinations made by one of the offices will be taken over by the other for three soft fruit species.

It has been agreed with the Institute for Agricultural Quality Control of Hungary that the results of the technical examinations made by one of the offices for *Pisum sativum* (pea) or *Triticum durum* (hard wheat) will be taken over by the other.

An agreement has also been concluded with Slovenia; the Federal Office of Plant Varieties will supply examination reports to its Slovenian counterpart.

Activities for the Promotion of Plant Variety Protection

Technical training has been given to staff members of the variety offices of the successor States of the former Soviet Union.

Developments in Related Fields of Activity

National List

A draft law amending the Seed Trade Law, with a view to adapt some of the latter's provisions to the planned changes to the Plant Variety Protection Law, has been prepared.

Genetic Engineering

The Federal Office of Plant Varieties is discussing with the competent authority a possible concentration of the procedures relating to genetic engineering, plant variety protection and national listing.

Genetic Resources

Germany organized the International (FAO) Technical Conference on Plant Genetic Resources which was held in Leipzig from June 17 to 23, 1996, and currently examines its implications for variety legislation

HUNGARY

Situation in the Legislative Field

The new patent law (Law No. 33 of 1995) entered into force on January 1, 1996, and will probably be in force until the implementation of the 1991 Act of the UPOV Convention at national level. With effect from the same date, the Minister for Industry and Commerce, by Order No. 77/1995 (XII/29) IKM, increased the application fees and maintenance fees payable in respect of plant patents by some 100%.

It is expected that Parliament will adopt two further laws on plant variety matters this year to regulate the release of genetically modified organisms in the territory of Hungary and to organize the State qualification of plant varieties and the production and commercialization of seeds and propagating material.

Cooperation in Examination

Agreements for international cooperation in the testing of varieties have been concluded by the National Institute for Agricultural Quality Control (NIAQC) with the Federal Office of

Plant Varieties (BSA) of Germany, the Research Centre for Cultivars Testing (COBORU) of Poland, and the Agricultural Institute of Slovenia (KIS), concerning the major crop species.

Situation in the Administrative Field

Up to October 14, 1996, a total of 81 new applications for patent protection were filed, and 105 plant patents granted.

Activities for the Promotion of Plant Variety Protection

In cooperation with the All-Russian Commission for Testing and Protection of Selection Achievements, an expert group of NIAQC provided a two-week training program for 15 crop experts from the Russian Federation on the Hungarian variety testing system.

Directed by experts from France, the technical work on the harmonization of maize and sunflower testing ("ring tests") has been continued with a session in Slovakia, and very good progress has been achieved. The ring test on rye directed by experts from Germany has been started and it will continue in 1997 with two additional model species.

IRELAND

Situation in the Legislative Field

Adaptation of the Law to the 1991 Act of the Convention

The Memorandum of Government to amend the Plant Varieties (Proprietary Rights) Act, 1980, has been finalized and circulated to other Government Departments for comment; it has been submitted to Government in September 1996. Legislation will then be prepared and placed before the Dail (Parliament). It is not possible to state at this stage how long this procedure will take.

Case Law

There was one application for a compulsory license lodged with the Controller for the potato variety 'Cultra.' However, on examination of the application, it was established that the claim made by the applicant related to a seed certification problem. The application was rejected by the Controller on the basis that it appeared that the conditions for the consideration of a compulsory license were not met.

Situation in the Administrative Field

Following the introduction of the Community plant variety rights system, in April 1995, the number of applications for national rights has dropped considerably (by about one half in

1995). Many of the national rights for “newer” varieties were also converted into Community rights. While some applications for national rights are still being received for agricultural crops, many applications in future may be for ornamental plants.

The Controller has provided information to breeders on completion of the application and related forms for Community rights.

The Controller changed address on August 19, 1996. His new address is: Department of Agriculture, Food and Forestry, Agriculture House, Kildare St., Dublin 2 (phone: +353-1-6072079, fax: +353-1-6616263).

A new computer package was organized to provide UPOV with information on national listing and plant breeders’ rights for the CD-ROM system. Particular problems were encountered in this respect as no database existed previously for national listing. The existing plant breeders’ rights program had been written in D-base 3 and had to be adjusted to Windows 95.

Developments in Related Fields of Activities

Genetic resources as they relate to plants and animals are now receiving considerable attention in Ireland. The Minister for Agriculture, Food and Forestry established an Advisory Committee in July 1996. A primary role of this Committee will be to promote better coordination of activities in conservation of genetic resources among the various interested circles involved. Since conservation also includes utilization, these activities should become an integral part of both the national breeding and the national conservation policies.

ISRAEL

Situation in the Legislative Field

The Law on the Rights of the Breeders of Plant Varieties has been amended and adapted to the 1991 Act of the Convention and on June 3, 1996, Israel deposited its instrument of ratification with the Secretary-General.

Protection now extends to all plant genera and species.

Cooperation in Examination

An agreement on cooperation in examination with Denmark is under way, and an agreement with the European Community is planned.

JAPAN

Situation in the Legislative Field

Preparatory work is being undertaken to make the amendments to the Seeds and Seedlings Law that are necessary for its adaptation to the 1991 Act of the Convention.

Protection was extended to 15 genera and species, with effect from July 5, 1996. As a result of the extension, a total of 467 plants are currently eligible for plant variety protection in Japan.

Cooperation in Examination

The Government of Japan has communicated with the Governments of Denmark, Germany, the Netherlands and the United Kingdom for the establishment of agreements on cooperation in examination.

Activities for the Promotion of the Protection of Plant Varieties

The Japanese Government has contributed to the UPOV seminars on the nature of and rationale for the protection of plant varieties under the UPOV Convention which were held in India, Bangladesh and Viet Nam in the period from September 12 to 20, 1996. A seminar for countries of the Central Asian region will also be held in Kyrgyzstan from November 11 to 16, 1996.

NETHERLANDS

Situation in the Legislative Field

The law of June 26, 1996, approving the 1991 Act of the Convention and amending the Seeds and Planting Material Act was published on July 23, 1996, in *Staatsblad* No. 398. The approval of the 1991 Act came into force on July 24, 1996, and the instrument of acceptance of the Act was deposited with the Secretary-General on October 14, 1996. The amendments to the Seeds and Planting Material Act will enter into force on a future date specified in a separate order of the Queen. The Ministry of Agriculture, Nature Management and Fisheries is preparing a general administrative order on the "farmer's privilege." It is due to be submitted to the Council of State for advice shortly.

The Board for Plant Breeders' Rights is setting up a system of administrative fees for its services with respect to Community plant variety rights applications.

For transparency reasons, the Board decided to publish important decisions on applications for protection in the Gazette.

Cooperation in Examination

On June 15, 1995, the bilateral administrative agreement with Finland was agreed upon. In May 1995, draft agreements were sent to Norway, Sweden and South Africa. In September 1995, Japan sent in a draft agreement intended to facilitate certain aspects of the administrative procedure between Japan and the Netherlands.

Situation in the Administrative Field

In 1995, the number of applications filed for plant breeders' rights showed, probably due to the entry into operation of the Community plant variety rights system, a considerable reduction of 23%: 1,183 applications were received as against 1,540 in 1994.

The examination entrusted to foreign authorities showed again a decrease, from 538 to 354; the number of requests for information—coming from abroad—on tests conducted in the Netherlands showed a decrease from 484 to 280.

In the period from January 1 to September 1, 1996, 655 applications were received.

In 1995, the activities of the Board were dominated by the entry into operation of the Community plant variety rights system. The processing of the “conversion” applications (the majority of the 977 applications for Community protection filed through the Board) and the huge number of inquiries by telephone caused a considerable workload for the Secretariat. The Board thought it useful to inform breeders on the Community system through the Gazette, in close cooperation with the United Kingdom authorities. Furthermore, the Chairman and the Secretary participated in various meetings in Brussels. The attribution of the technical examination to the various research institutes of the Community member States is to be discussed in the near future.

Situation in the Technical Field

Following questions whether there can be free competition between research institutes, a study on a possible system of certification regarding DUS tests (both for protection and marketing purposes) has been initiated by the Minister for Agriculture, Nature Management and Fisheries. The Board is of the opinion that a qualified and permanent structure is still necessary to support the authority in the technical field. A similar discussion about free competition between the research institutes within the European Union might also arise in the near future within the framework of the Community plant variety rights system.

Activities for the Promotion of Plant Variety Protection

The Board received a delegation of Japan twice and informed them about the implementation of the 1991 Act of the Convention at national level. Delegations from China and India were received to be informed about the plant breeders' rights system in the

Netherlands. The authorities were further pleased to organize the meetings of three UPOV technical working groups on the adaptation and improvement of examination standards.

Developments in Related Fields of Activities

In June 1996, the Parliament unanimously voted in favor of the opinion that the scope of a patent granted for a biotechnological invention should be limited to the invention itself. This means that the plant or the animal in which the patented invention comes to expression should be “free.” The Government was also asked to express this opinion in the discussions in the Council of the European Union on the draft directive on this subject.

NEW ZEALAND

Situation in the Legislative Field

On September 2, 1996, as part of the Law Reform (Miscellaneous Provisions) Act 1996, certain non-controversial amendments to the Plant Variety Rights Act 1987 came into effect. The important changes are:

- (a) A completed technical questionnaire must be supplied at the time of application.
- (b) As soon as implementing regulations come into effect, a representative color photograph must be supplied at the time of application for all fruit, ornamental and tree varieties.
- (c) Section 16(2)(h) of the Plant Varieties Rights Act 1987, which provided for the cancellation of a plant variety right if the grantee failed to comply with a compulsory licence or a compulsory sales order, was repealed.

During the period there has regrettably been no progress towards amending the Plant Variety Rights Act 1987 to bring it into conformity with the 1991 Act of the Convention.

Situation in the Technical Field

Change in the Testing System

In 1980, in the early years of the PVR scheme, a move was made for many crops away from the system of official DUS testing at a central site. In the case of fruit varieties, and ornamentals other than roses, a system of official testing on the applicant’s property became the norm. For agricultural varieties, a system of breeder testing came into effect.

In recent years, as the number of applications has steadily grown and as the difficulty of establishing distinctness has increased, there has been a gradual move back towards DUS testing at a central site and towards greater involvement of the PVR Office in the testing. This

trend continued during 1996 with respect to agricultural varieties. It was mutually agreed by applicants and the PVR Office that in the case of the major arable and pasture crops, there should be a move from the current system of breeder testing back to a system of DUS testing under the control of the PVR Office. The move is expected to give cost savings for applicants and produce a higher level of technical rigor in the testing.

While it had been hoped to move to such a system on a formalized basis on June 1, 1996, it was not possible to implement the necessary regulatory changes by that time. In order to meet the expectations of applicants, the PVR Office is in the meantime prepared to conduct central testing of the crops concerned should the applicants so request, at a cost equivalent to the fee expected to be charged once the system becomes formalized.

Protection for Microscopic Fungi

Plant variety protection has been granted for two varieties or strains of *Acremonium*, an endophyte (a microscopic organism living in the seeds and plants) of ryegrass (*Lolium*).

Activities for the Promotion of Plant Variety Protection

The Commissioner of Plant Variety Rights, Mr. Bill Whitmore, participated in the UPOV Regional Seminar on Variety Testing for Tropical and Sub-tropical Crops Under the UPOV Convention held in Medan (Indonesia) from December 5 to 7, 1995.

He also joined the Vice Secretary-General in Beijing from June 26 to 28, 1996, for discussions with officials of the State Council on the Chinese draft legislation on the protection of new varieties of plants.

NORWAY

Situation in the Legislative Field

The Regulations Relating to the Plant Breeder's Right have been revised with effect from February 6, 1996. The main amendment is that plant breeders' rights may now be granted for varieties of all genera and species of plants, including hybrids between genera or species. Minor amendments have also been made in respect of the publication procedure.

Cooperation in Examination

Norway received 56 DUS reports from other member States.

Situation in the Administrative Field

From January 1 to December 31, 1995, 45 applications have been received and 60 titles were issued. The grants were as follows:

Barley	2	Poinsettia	21	Rose	20
Begonia	2	Potato	4	Wheat	2
Oat	3	Rhododendron	6		

Seventy-five titles were in force on August 1, 1996.

Situation in the Technical Field

Experience is being gained on DUS-testing of cloudberries (*Rubus chamaemorus* L.).

POLAND

Situation in the Legislative Field

The new Seed Industry Law entered into force on January 20, 1996. In its part concerning plant variety protection, the Law is adjusted to the 1991 Act of the Convention. Implementing provisions to the law have been made in two decrees of the Minister for Agriculture and Food Economy, of which one sets out the fees for plant variety protection. Detailed provisions concerning *inter alia* the application procedure, variety testing and the granting procedure are included in four decisions of the Director of the Research Centre for Cultivar Testing (COBORU). The decisions and an extract from the decree of the Minister concerning fees will be published, in English, in an annex to the next edition of the Gazette.

Poland has taken steps to accede to the 1991 Act of the Convention. The Minister for Agriculture and Food Economy gave the necessary instructions to the competent Government authorities. Accession to the 1991 Act should take place soon, but it is difficult to give a precise date.

Protection has been extended to further genera and species, bringing the total to 302 taxa.

Cooperation in Examination

Bilateral agreements for cooperation in examination have been signed with the Czech Republic, Hungary and Slovakia.

Activities for the Promotion of Plant Variety Protection

The program of assistance to some East European countries is continuing.

(a) Practical training on DUS testing was organized in COBORU in the period from May 26 to June 2, 1996, for five participants from the State Committee for Variety Testing of Belarus, and two from the State Committee of Ukraine for Plant Variety Testing and Protection.

(b) Practical training on the methods of variety testing and assessment, and summer pruning of fruit trees, was organized from August 4 to 11, 1996, for four participants from Belarus.

PORTUGAL

Situation in the Legislative Field

Protection has been extended very recently to 45 further species, bringing the total to 88.

Work is still carried out on the adaptation of the law to the 1991 Act of the Convention, and efforts are made to issue the first draft before the end of the year.

Situation in the Administrative Field

Since the last ordinary session of the Council, ten applications were received, for Citrus, rose and vine. Tests were completed for 15 varieties, for which a decision can now be taken.

Activities for the Promotion of Plant Variety Protection

Communications have been presented at two seminars and a promotion leaflet has been issued.

SLOVAKIA

Situation in the Legislative Field

The amendment (No. 22/1996 of the Collection of Laws) of the Law No. 132/1989 on the Legal Protection of New Plant Varieties and Animal Breeds was adopted by the National Council of the Slovak Republic on December 19, 1995, and came into force on February 1, 1996. The amendment brought the Slovak legislation into conformity with the 1991 Act of the Convention and also with Regulation No. 2100/94 of the Council of the European Union.

The advice received from the Office of the Union during the preparatory phase is acknowledged with great appreciation.

The new law on plant varieties and seeds was adopted on September 13, 1996 (No. 291/1996 of the Collection), and will come into force on January 1, 1997.

Preparatory work for the accession to the 1991 Act of the Convention has started. Some amendments have to be made in the implementing regulations before Slovakia will be in a position to accede to the 1991 Act. At this stage, it is not possible to say how long the process will take, but the accession may be expected to take place during the second half of 1997.

Cooperation in Examination

Slovakia concluded an agreement on cooperation in examination with the Czech Republic on February 19, 1993, with Hungary on July 4, 1995, and with Poland in 1994. An agreement with Slovenia is under preparation.

Situation in the Administrative Field

Since 1990, a total of 512 applications have been filed. In 1995, the number was 32 (26 domestic and six foreign applications). The highest numbers of applications have been received for the following species: potato (71), maize (47), apple (35), winter wheat (32), spring barley (26), pea (19), vine (18), sweet pepper (14).

The amendment of the law seems to have led to the filing of nine applications for varieties of aromatic, fruit and ornamental species that have not been tested so far. The tests will be made in cooperation with other member States.

Activities for the Promotion of Plant Variety Protection

The Variety Testing Department of the Central Institute for Inspection and Testing in Agriculture (UKSUP) periodically publishes descriptions of the varieties newly entered in the National List and the results of the VCU tests. It organizes "open days" at its own testing stations.

The UKSUP organized a seminar on DUS testing of maize and two seminars on the role of the UKSUP in the legal protection of plant varieties for Slovak breeders and seeds inspectors.

Application of Biochemical, Molecular and Morphometrical Techniques in Seed and Variety Testing

These techniques are applied in official testing, according to the standard ISTA and the recommended UPOV methods, by the UKSUP's Laboratory for Biochemical and Genetic

Testing, which standardizes the testing methods, develops new methods and coordinates the testing activities in Slovakia. In the area of DNA-markers, it cooperates with the Research Institute for Plant Production in Piest'any (VURV) and in the area of isoenzyme analysis with the breeding company Zcainvent Trnava.

Genetic Resources

The new Genebank in the VURV, in which the reference collections will be maintained, is about to be established.

SOUTH AFRICA

Situation in the Legislative Field

The Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), which was revised in terms of the 1991 Act, was passed by Parliament and published as the Plant Breeders' Rights Amendment Act, 1996 (Act No. 15 of 1996), on April 19, 1996. It is envisaged that South Africa's instrument of ratification of the 1991 Act of the Convention will be deposited with the Secretary-General before the end of 1996. The necessary documents are being prepared at present.

The Department of Agriculture still receives requests for extension of protection to further genera and species. During the year under review, protection has been extended to 13 genera and species.

Situation in the Administrative Field

From October 1, 1995, to August 31, 1996, 169 applications for plant breeders' rights were received and 137 plant breeders' rights were granted. As at August 31, 1996, there were 415 applications under consideration and 1055 plant breeders' rights in force. Further details are given below.

	Agricultural Crops	Vegetable Crops	Ornamental Plants	Fruit Crops	Total
Applications Received	64	19	62	24	169
Plant Breeders' Rights Granted	61	27	26	23	137
Plant Breeders' Rights Valid	344	174	363	174	1055
Applications Being Considered	96	20	215	84	415

Situation in the Technical Field

It is becoming increasingly difficult to distinguish between varieties as the differences are getting smaller and smaller and the number of varieties is increasing. In the case of maize, for instance, there are 150 white and 150 yellow varieties on the variety list.

Activities for the Promotion of Plant Variety Protection

The Assistant-Director, who is responsible for variety testing in South Africa, has given various lectures to different groups of people regarding the changes in the Plant Breeders' Rights Act which emanated from the 1991 Act of the Convention. During these lectures the reasons for the changes were explained. It may be necessary to amend the present Act in one or two instances. Some resistance has been encountered regarding the fact that the Department now has the right to inform the holder of a plant breeder's right that his rights have been violated. The general feeling is that it is the responsibility of the holder of the right to enforce his rights and that the Department should not interfere in such matters at all.

Developments in Related Fields of Activities

Legislation in respect of genetically modified organisms is in an advanced stage of development and a final draft of the Act is currently being prepared for submission to the relevant Parliamentary Committee. Genetically manipulated varieties may, however, cause problems where such varieties cannot be morphologically distinguished from the initial variety.

South Africa has become a member of the Southern African Development Community (SADC) and has subsequently joined the Regional programme on the conservation and sustainable utilization of plant genetic resources. A National Committee to coordinate these issues with regard to food and agriculture has also been inaugurated during the period under review.

SPAIN

Situation in the Legislative Field

The preparatory work for the revision of the Plant Variety Protection Law has progressed during the past year. The first draft of a draft Bill to be submitted to the various interested circles for comments has been finalized recently. That document provides for a system that is in line with the 1991 Act of the Convention, with various aspects being treated as in Regulation No. 2100/94 of the European Union.

The fees were increased by 3.5% on January 1, 1995, through the Law on the National Budget. New regulations are being prepared to change the amount of the fees, essentially to cover the operating costs through the incoming fees.

Five orders of the Ministry for Agriculture, Fisheries and Food established the possibility of granting protection in Spain for varieties whose breeders or successors in title are natural or legal persons having their place of residence or registered office in Australia, Austria, New Zealand, Portugal or Uruguay.

Situation in the Administrative Field

Eighty-one applications were received and 244 titles of protection were issued, bringing the total of titles in force to 1,112.

The Spanish Office continued to work with the Community Plant Variety Office in the reception of applications for Community plant variety rights.

As a result of the reorganization of the Ministry for Agriculture, Fisheries and Food, the National Institute for Seeds and Nursery Plants became the General Subdirectorate for Seeds and Nursery Plants. There was no change in attributions, means or premises.

Activities for the Promotion of Plant Variety Protection

An intense activity was deployed at national level through seminars and technical meetings to provide information to all interested circles on the new system of Community Plant Variety Rights established by Regulation (EC) No. 2100/94.

Bilateral cooperation and cooperation involving the Office of the Union has been continued, assistance having been provided in particular in the Latin-American region (Cuba, Ecuador and Panama). The same applies for cooperation in the training of experts. Courses were organized for technical staff from Algeria, Brazil, Egypt and Panama on the legislative, procedural, organizational and technical aspects of protection and national listing.

Developments in Related Fields of Activities

The Spanish Register of Commercial Varieties concerns 92 agricultural and horticultural species. It was recently extended to 11 fruiting and rootstock species.

The first applications concerning varieties containing genetically modified organisms have been received and are under study from the point of view of both the provisions on the release of genetically modified organisms and the entry in the Register of Varieties.

SWEDEN

Situation in the Legislative Field

The work on the draft for a new Plant Variety Protection Law based upon the 1991 Act of the Convention is in progress. A Bill might be presented to Parliament in early 1997.

Two Articles have been added to the current law, one to provide that the filing of an application for a Community plant variety right with the National Plant Variety Board will be subject to payment of a fee (fixed at 300 Swedish kronas), and the other to provide that the infringement of a Community plant variety right will be prosecuted according to the penal rules applicable to national rights.

The appeal fee (900 Swedish kronas) has been abolished.

Protection has been extended to *Chaenomeles* Lindl. (flowering quince), *Clematis* L., *Dracaena* spp, *Euphorbia* spp. (spurges), *Kalanchoë* Adans., *Pelargonium* L'Hér. ex Ait., *Philadelphus* spp. (mock orange).

Cooperation in Examination

Sweden has withdrawn the offer to test *Allium schoenoprasum* L. (chives) and *Anethum graveolens* L. (dill), and existing bilateral agreements will be amended accordingly.

UKRAINE

Situation in the Legislative Field

A new law is under preparation and it is hoped that it will be adopted by Parliament in 1997.

Activities for the Promotion of Plant Variety Protection

Representatives of the State Committee for Plant Variety Testing and Protection participated in the following:

- (a) a seminar on seed policy (United States of America, February 1996);
- (b) a practical training course at the National Institute of Agricultural Botany (NIAB) on the use of computer programs for variety testing (United Kingdom, May 1996);
- (c) the Congress of the International Federation of the Seed Trade (FIS) (Netherlands, May 1996);

(d) a seminar organized by the World Bank, the Department of Agriculture of the United States of America and the University of Iowa on seed policy (Kyiv, Ukraine, May 1996);

(e) a practical training course on the identification and description of plant varieties organized by NIAB (United Kingdom, June 1996).

The Register of Plant Varieties for 1996, indicating the varieties proposed for sale, has been published.

UNITED KINGDOM

Situation in the Legislative Field

A draft Bill for the amendment of the Plant Varieties and Seeds Act 1964 to adapt it to the 1991 Act of the Convention will be published in the autumn for full consultation with the industry. The further procedure will depend essentially on the considerations of parliamentary and political life (since general elections are scheduled for 1997).

There was no increase in fees for plant breeders' rights and they remain at the 1994-95 level in 1996-97. Renewal fees equal to 50% of the existing rates have been introduced for varieties protected under a national right and subsequently granted a Community plant variety right, for which breeders wish to leave open the possibility of resuming the operation of the national right once the Community right has been either surrendered or terminated.

In the longer term it is intended to extend protection to the whole plant kingdom. In the short term, it is intended to extend protection to the following during 1996:

Ornamentals: *Fremontodendron*, x *Halimicistus sahucii*, *Helichrysum*, *Lavandula*,
Myosotis palustris, *Myosotis scorpioides*, *Platycodon grandiflorus*,
Tagetes;

Fruit: Almond, Apricot, Nectarine, Peach, Peach x Almond rootstocks;

Oilseed Crop: Quinoa.

Cooperation in Examination

The United Kingdom has signed a bilateral agreement with Japan, due to come into effect on September 30, 1996, in which the authorities agree to take over each other's examination reports.

The United Kingdom is also negotiating an agreement with Norway, in which the United Kingdom offers to test *Campanula*, *Chrysanthemum*, holly and apple varieties on behalf of the Norwegian authority.

Situation in the Administrative Field

During the year ended March 31, 1996, 295 applications were received (47.2% decrease over previous year), 363 grants were issued (3.5% decrease), 266 grants were terminated (11.3% increase) and 1,904 grants were renewed (7.1% increase).

The big decrease in applications is in large part due to the introduction of the Community plant variety rights system, but the precise extent is not known. The increase in the number of grants terminated is also largely due to breeders applying for Community rights and terminating national rights.

Community Plant Variety Rights

Following the introduction of the Community plant variety right giving breeders, *inter alia*, the right to claim royalties on farm-saved seed, there has been much continuing complaint and the Ministers have received many letters on this issue.

Negotiations nevertheless took place between breeders' organizations and farmers' organizations and agreement was reached on the amount of royalties to be paid for farm-saved seed and the ways of collecting them.

UNITED STATES OF AMERICA

In January 1996, the final rules of procedure were published to supplement the Regulations under the revised Plant Variety Protection Act.

During the fiscal year that ended on October 1, the Plant Variety Protection Office received 408 applications, constituting a record. The high level of activity is due in part to the extension of the protection system to potato and in part to the increase in breeding work with respect to species such as maize and soya bean.

The staff of the Office was increased as a result of the increase in the level of activity.

URUGUAY

Situation in the Legislative Field

No initiative has been taken so far on the adaptation of national legislation to the 1991 Act of the Convention.

Protection now applies to 22 species belonging to 17 genera, and an extension to six further species is planned. There is a need to, and an interest in, applying the protection

system to fruit species. This requires initial and on-the-job training of technical staff and, in turn, the assistance of member States. The necessary financial means are being sought.

Cooperation in Examination

No initiative has been taken so far, but cooperation is necessary, especially for fruit species.

Situation in the Administrative Field

The creation of the National Seed Institute, described in the previous report, has been approved by one Chamber of the Parliament.

Activities for the Promotion of Plant Variety Protection

Drafts have been prepared, within the Latin-American Integration Association (ALADI) and the Southern Common Market (MERCOSUR), to harmonize policies and promote plant variety protection.

A contribution was made to the Fifteenth Pan-American Seed Seminar to be held in Gramado (Brazil) from October 28 to 30, 1996, and it has been suggested to include a panel on plant variety protection, with the participation therein of UPOV.

Delegations from Bolivia and Brazil have been received to inform them on the implementation of the protection system in Uruguay, both at technical and administrative levels, and to enable them to meet with Uruguayan breeders.

The Official Gazette has been set up, and two issues have been issued.

Developments in Related Fields of Activities

Special regulations on the release of genetically modified organisms are being implemented; current work is based on risk analyses and on the national rules governing phytosanitary matters and national listing. Tests and seed multiplication under strict security measures have been authorized, and also the release of a transgenic soybean variety and material thereof.

The authorities participate actively in all international and regional activities relating to the conservation and the use of, and access to, plant genetic resources.

II. OBSERVER STATES

BRAZIL

At the moment, a Bill conforming to the 1978 Act of the Convention is being studied by Congress; the Government of Brazil had requested the advice of the Council of UPOV on the Bill in April 1996.

EGYPT

The participation of a delegation from Egypt is to be seen as a token of the interest of Egypt in the activities of UPOV and in the protection of new plant varieties. The delegate now being with the Permanent Mission of Egypt to FAO, it is not possible for him to provide up-to-date information on the progress achieved with the Bill that is to create the basis for the national plant variety protection system.

Egypt has been actively represented at the Fourth (FAO) International Technical Conference on Plant Genetic Resources held in Leipzig (Germany) in June 1996 and has been an active supporter of the Global Plan of Action.

GREECE

Greece does not grant plant breeders' rights although there is a legal basis therefor in the seed law. On the other hand, the provisions on national listing and seed certification and marketing are fully applied. A proposal will be made to Government to introduce plant breeders' rights on the basis of the 1991 Act of the Convention.

KENYA

The Government of Kenya has considered it desirable to accede to the 1978 Act of the Convention and has therefore made a request for advice to the Council on the conformity of the Seeds and Plant Varieties Act with the provisions of the 1978 Act. Now that the advice has been given, the Government will no doubt expeditiously take the necessary steps to become a member of UPOV.

MEXICO

Situation in the Legislative Field

Mexico has set up the legal framework for recognition and protection of breeders' rights, thereby harmonizing conditions for exchanges at international level and affording security for investments in research into the breeding of new and improved plant varieties for the development of agriculture. The adoption of the Federal Law on Plant Varieties means that Mexico fulfils the necessary conditions to ratify the 1978 Act of the UPOV Convention, as signed in 1978 and ratified in 1995 by the appropriate legislative organs.

Protection is now possible for all genera and species; the term of breeders' rights will be 18 years for vines and forest, fruit and ornamental trees and their rootstocks and 15 years for all other species.

Situation in the Administrative Field

It will be the responsibility of the National Seed Inspection and Certification Service (SNICS) to encourage, promote, organize and coordinate, in addition to its seed certification and plant genetic resources activities, the policies and actions relating to protection of breeders' rights, with the participation of the legal instances of the Agriculture Secretariat.

That body is currently being strengthened in its technical and operational structure in order to deal appropriately and efficiently with the protection of plant breeders' rights.

Situation in the Technical Field

It is the breeder who will examine the relevant characteristics of the varieties. In the short term, it is foreseen that the research centers, the universities and other institutions involved in the characterisation of varieties and having the necessary infrastructure and human and material resources, will establish the variety description.

Checking the compliance with the requirements of novelty, distinctness, homogeneity and stability, will be the responsibility of a committee whose work will be assisted by technical support groups in which experts from institutions and bodies concerned with plant breeding, agricultural production, biotechnology and intellectual property will participate.

The guides for examination of the relevant characteristics will conform to the UPOV Test Guidelines, to be revised by Mexican specialists so that, where necessary, the appropriate adaptations could be made for those species in which particular features of behavior occurred due to conditions in Mexico and required the incorporation of additional elements. Those guidelines will be published in the form of official Mexican standards. At the same time, work will begin in developing protocols, in accordance with the general principles established by UPOV, for the characterisation of species for which there are no corresponding UPOV Test Guidelines.

Currently, there exists a technical guide for the variety description of maize, based initially on the UPOV documents and supplemented—in view of the great diversity of that species in Mexico—by groups of specialists from the scientific institutions, universities, seed concerns and other sectors involved in plant breeding, and production and propagation of plant varieties.

Activities for the Promotion of Plant Variety Protection

In view of the fact that Mexico is beginning with the process of protection for breeders' rights, the immediate aims that it pursues are as follows:

- conduct of intensive information campaigns,
- specialized training in the technical, administrative and legal procedures,
- promoting the organization of the breeders in respect of the enforcement of their rights.

Aware of the fact that effective protection for breeders' rights requires the participation not only of the authorities but of all the sectors involved (research, production and distribution of seed, farmers), it is planned to carry out awareness campaigns at all levels by means of workshops and information seminars and through publications (brochures and posters) with the aim of making known the advantages of intellectual property in that field, the procedures to be followed and the means adopted in order to fulfil the legal framework.

Without a doubt, the fundamental basis for all these efforts will be the training of technical staff to administer and supervise application of the Federal Law on Plant Varieties. For that purpose, technical assistance agreements will be concluded and various member States will be visited in order to become familiar with the processing of applications for protection and to obtain an introduction to the broad field of plant variety protection.

Variety Catalogues and Seed Certification

There currently exists a catalogue of plant varieties which can be certified, that includes 1,600 varieties of 45 species, mainly of agricultural crops (varieties of maize and sorghum represent more than 60% of the total). Recently, the importance of certifying other species has resumed, particularly for tropical fruit, ornamental and other vegetatively propagated plants.

Patents

In 1994, Mexico decided to adopt a *sui generis* scheme for the intellectual property in plant varieties and amended its legislation, that permitted the patenting of varieties, in favor of the current Federal Law on Plant Varieties.

Provisions and Regulations in the Field of Genetic Engineering

With respect to biosecurity, plant health requirements have been established for domestic movements, importation and establishment of trials in the field of organisms that have been manipulated by the use of genetic engineering, through the Federal Law on Plant Health and the corresponding official standard (draft).

There exists a National Committee of Agricultural Biosecurity, a collegiate organ in which participate experts from various scientific and research institutions and from various authorities with the task of analyzing applications for release into the environment of transgenic products in order to decide their justification in view of the analysis of the risks they present for the environment. Such applications are to contain a detailed description of the aims and methodology for the application, use and handling of transgenic material.

Genetic Resources

Mexico possesses great plant diversity (it is estimated that it possesses 30,000 species of vascular plants, or 10% of the worldwide total) with considerable potential economic value, not only those considered basic for food, but likewise fruit, ornamental, horticultural, oleaginous, industrial, textile, medicinal plants and the like.

Nevertheless, the efforts devoted to prospection, access, identification, collecting, evaluation, characterization, conservation, exchange and sustainable use of resources have been isolated and insufficient. That is why the need was felt to draw up a national plan of genetic resources to establish priorities, policies and programs for an adequate exploitation of the animal and plant genetic resources, with a view to which forums and workshops will be held with the participation of universities, research centers, non-governmental bodies and agencies dealing with the subject, to form a multiple and open group comprising the various points of view in order to assess the current situation in Mexico and to propose policies, strategies and normative approaches for access to and utilization of genetic resources.

PANAMA

The Delegation of Panama thanks the Office of the Union for the support it has given in making the draft Plant Variety Protection Law comply with the 1978 Act of the Convention. It also welcomes the positive advice given by the Council.

REPUBLIC OF KOREA

The Korean Seed Industry Law was passed by the National Assembly and promulgated on December 6, 1995. The implementing rules and regulations are being prepared by the Ministry of Agriculture and interested organizations and will be issued in the near future.

The newly enacted law is based on the UPOV Model Law, especially in the part dealing with the protection of new plant varieties, in order to conform to internationally accepted standards.

The accession to UPOV has been discussed very broadly with the interested circles in connection with the implementing rules and regulations of the Seed Industry Law. An accession to the 1978 Act of the Convention is being contemplated.

REPUBLIC OF MOLDOVA

The Delegation of the Republic of Moldova thanks the Office of the Union for its assistance given in drafting the Plant Variety Protection Law that has been adopted by the Parliament in July. Although all the procedural questions have been settled, it has not been possible to request at the session the advice of the Council on the conformity of the Law with the 1991 Act. That advice will be requested at the next session.

ROMANIA

Situation in the Legislative Field

In the course of 1996, the Seed Law No. 775 was implemented and the regulations and guidelines for the control and registration of seed and propagating material were drafted and published. The draft law on plant variety protection was examined by representatives of the European Community as to its conformity with the Regulation of the Council of the European Union on Community plant variety rights. It will be submitted to Parliament after the elections to be held at the beginning of November.

Situation in the Administrative Field

On the basis of the Patent Law No. 64/1991, a total of 43 applications were received by the State Office for Inventions and Trademarks for cereals (11), vegetables (5), fruits (5) and flowers (2). Currently, 169 plant patents are valid in Romania. In the course of 1996, the Office granted 15 plant patents.

Situation in the Technical Field

During 1996, progress was made in the development of the DUS testing system under the new seed law. The fees payable for DUS tests by the Institute for the Testing and Registration of Plant Varieties were established by the Ministry of Agriculture. By Ordinance No. 86/1995, a Technical Council for Varieties and Seeds, which is responsible for the strategy in the field of variety testing and certification, was set up within the Ministry of Agriculture.

Activities for the Promotion of Plant Variety Protection

A national seminar was held in Constanta on August 27 and 28 on the subject of plant variety protection and biotechnological inventions.

Between September 15 and 25, two experts of the State Office for Inventions and Trademarks paid a visit to France at the invitation of GEVES and the French Ministry of Agriculture and Fisheries. The visit was extremely important for the organization of the future technical activities in the field of plant variety protection in Romania.

SLOVENIA

In the legislative field, the work on the preparation of a new plant breeders' rights law has been intensified. A translation of the current law has been prepared and will be sent shortly to the Office of the Union, and it is hoped that, with the help of the Office, the draft of a new law will be prepared in a few months and put before Parliament next year.

In the past year, 37 applications were filed in respect of agricultural crops and vegetables.

As reported by other States, Slovenia has entered, or is in the process of entering into bilateral agreements on cooperation in examination.

THAILAND

Thailand has a Seed Act and a Patent Act, but they do not apply to the protection of new plant varieties, and this gap called for the drafting of a separate plant variety protection Act. Unfortunately, there are two drafts now, one from the Department of Agriculture, and the other from the Department of Intellectual Property. Since none of them could carry the day, the two departments agreed to appoint a neutral committee to thoroughly examine the drafts and consider the scope of the law, the designation of the implementing authority or authorities and the allocation of the tasks under the law.

The nature of the draft from the Department of Agriculture is the same as that of the laws of other countries. It has four main purposes: to provide legal protection for the ownership in a new plant variety; to encourage plant breeders from both the public and private sector to invest in the development of new and improved varieties; to promote technological innovations in the area of biotechnology related to plant breeding; to comply with the WTO obligation regarding patentable subject matter under the TRIPS Agreement. The Ministry of Agriculture and Cooperatives would be the executive body and the Department of Agriculture would be the implementing authority. A Plant Variety Protection Committee would be appointed to identify the plant varieties that are to be protected. The plant varieties would be examined. The period of protection would be 25 years from the date of filing of the application. The protection granted would relate to the right to produce, sell,

export or import seed and planting material, with exemptions for activities for purposes of study, research and experimentation; in addition, farmers would be permitted to save seeds or planting material for further use. The Ministry of Agriculture and Cooperatives would have the power of exercising the right of the title owner in the case of catastrophe or food shortage, for the benefit of the general public, but not for commercial purposes.

III. ORGANIZATIONS

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

Activities in the Field of Seeds

Since last year, Iran was admitted to the Beet Seed Scheme and the participation of South Africa was extended to the Maize and Sorghum Scheme. The application of Bolivia to the Herbage and Oilseed Scheme (to be applied in the beginning to oilseed species only) is in progress, as is the extension of the participation of Slovenia to the Cereal Seed Scheme. In addition, Estonia and Ukraine are officially candidates to the admission to the OECD Seed Schemes, and several countries, including South-American countries, Egypt, India and Indonesia, have shown interest to join the OECD Seed Schemes.

The last Annual Meeting of the Designated Authorities took place in March 1996 in Argentina and provided an opportunity to develop fruitful relations with the host country and neighboring countries. This meeting was preceded by a workshop on issues surrounding trade of transgenic varieties and a working group meeting on accreditation.

The voluntary temporary experiment on the accreditation of non-official bodies for field inspection is now involving eight countries (Argentina, Canada, Denmark, France, Netherlands, Sweden, United Kingdom and United States of America) for one or several groups of species, with positive results. It was agreed to continue the experiment, subject to repeal, on an annual basis.

The OECD Council should take a decision very soon to confirm the rules for certification of oilseed hybrid cultivars for an indefinite period (these rules were initially adopted for a three-year period, ending in December 1996).

Subject to funding approval, a collaboration is being set up with the European Union relating to field post-control of sunflower and cotton certified seeds. It should start with the EEC comparative trials to be sown in 1997 in Seville (Spain) for sunflower and Thessaloniki (Greece) for cotton.

Apart from the OECD Cultivar List published annually, new updated editions for the Seed Schemes and for the Manual for crop inspection and control plots are about to be completed.

OECD would like to develop electronic availability of the Cultivar List, including possible arrangements with UPOV.

Activities in the Field of Biotechnology

A working party of the Trade Committee is currently discussing quite extensively a report on biotechnology and trade. The report covers not only economic standards and safety regulations, but also selected policies affecting the use of biotechnology and the trade in biotechnological products; in the field of intellectual property protection, the issue of ethics, the question of the patentability of animals and plants and also those of compulsory licensing and technology transfer are being addressed.

There is also a horizontal project on regulatory reform and a case study on biotechnological products in relation to product standards.

The Committee for Science and Technological Policy is about to publish a study on intellectual property, technology transfer and genetic resources, a survey of the current practices and policies of OECD countries.

An Expert Group on Harmonization of Regulatory Oversight in Biotechnology established under the Environment Committee met at the beginning of October for two weeks. The Group produces consensus documents which take into account all relevant biosafety considerations for biotechnology products or even agriculture and are meant for use by national administrations with a view to achieve harmonization of the data to be examined and ultimately to simplify the regulations in this area. The documents in the series relate to the following subjects:

(a) “Commercialisation of Agricultural Products Derived through Modern Biotechnology: Survey Results” (1995);

(b) “Analysis of Information Elements Used in the Assessment of Certain Products of Modern Biotechnology” (1995);

(c) “Report of the OECD Workshop on the Commercialisation of Agricultural Products Derived through Modern Biotechnology” (1995);

(d) “Industrial Products of Modern Biotechnology Intended for Release to the Environment: The Proceedings of the Fribourg Workshop” (1996);

(e) “Consensus Document on General Information Concerning the Biosafety of Crop Plants Made Virus Resistant Through Coat Protein Gene-Mediated Protection” (1996);

(f) “Consensus Document on Information Used in the Assessment of Environmental Applications Involving *Pseudomonas*” (1997);

(g) “Consensus Document on the Biology of *Brassica napus* L. (Oilseed Rape)” (1997).

UPOV CD-ROM

An effort is currently made to adjust the electronic treatment of the data from the OECD List of Cultivars so that the data may appear both in the OECD biotrack database and on the UPOV CD-ROM.

EUROPEAN COMMUNITY (EC)

Situation in the Legislative Field

Only preparatory work has been carried out during the report period with respect to European Union legislation on Community plant variety rights.

In the first half of the year, the Commission submitted to the Council a proposal for extension of the term of protection for potato varieties to thirty years. That is an implementing measure already provided for in the basic Regulation on Community plant variety rights. The proposal is currently under examination in the Council.

Following the Regulation adopted by the Commission in 1995 on the "agricultural exception," concerning the use of farm-saved seed, a supplementary measure is now being prepared in accordance with the program decided at that earlier time, for the purpose of defining in more detail the compensation to be paid by farmers for the use of farm-saved seed.

The European Union is observing with interest the developments concerning the entry into force of the 1991 Act of the Convention. The Commission is currently preparing the necessary measures for the accession of the European Union to UPOV.

Situation in the Administrative Field

The Council of the European Union has appointed Mr. Bart Kiewiet (Netherlands) as the first President of the Community Plant Variety Office. The President assumed his functions in August 1996.

The appointment of a President has made it possible for the Office to issue the first Community plant variety rights. Since August 2, 1996, more than 800 rights had been issued. Altogether, the Office expects to receive some 1,200 applications during the year.

Since the final decision on the location of the Office has not yet been taken, the Community Plant Variety Office continues to work from its provisional address in Brussels.

Developments in Related Fields

Following the failure of the first attempt at creating a directive on the protection of biotechnological inventions by means of patents, the Commission made a new proposal in

January 1966 for a Directive of the European Parliament and the Council on the Legal Protection of Biotechnological Inventions. That is currently being discussed by Parliament.

The proposal, already referred in the 1993 report, to amend and supplement Community law on trade in plant propagating material has still not been accepted by the Council. No change has occurred since the 1995 report.

The European Community is participating actively in the revision of the International Undertaking (of FAO) on Plant Genetic Resources and in the Conferences of the Contracting Parties to the Convention on Biological Diversity. It attaches special importance to developments at the forthcoming Third Conference of the Contracting Parties.

INTERNATIONAL SEED TESTING ASSOCIATION (ISTA)

Since its 1995 Congress, held in Copenhagen, ISTA has undergone very important changes.

After 71 years of existence, ISTA has amended its Constitution to also admit private persons and laboratories to membership in the future. ISTA will, however, remain a governmental organization because the voting rights remain unchanged; voting at ISTA Congresses will continue to be based on the "one country-one vote" rule and only persons designated by the national authorities will exercise the voting right.

ISTA certificates will also, as a result, be issued by independent seed laboratories. This important change was made possible by the development of quality assurance systems worldwide, which enable governments to delegate some of their tasks to private industry, whilst remaining the supervising authority. ISTA will establish over the next few years quality assurance systems for seed testing, on the basis of ISO Guideline 25, followed by a re-accreditation of all laboratories. The system will be pragmatic and inexpensive, and will supplement the ISTA referee test, which has been in place for nearly forty years. Within the framework of the referee test system, seed samples are sent out three times a year to all ISTA laboratories for analysis; the results are statistically evaluated at the Secretariat and reported to the laboratories.

Since the beginning of 1996, ISTA welcomed 11 laboratories and six private persons as new members. Bangladesh and Latvia are new members countries, whereas the membership of Malawi lapsed in 1996. This brings the total number of member countries to 65.

ISTA has proposed to UPOV to participate, together with FIS, OECD and ISTA, in an international seed conference in 1999 to celebrate ISTA's and FIS' 75th anniversary and to create awareness for the importance of seeds and of the commercial and regulatory activities in the field of seeds.

INTERNATIONAL ASSOCIATION OF PLANT BREEDERS FOR THE PROTECTION OF
PLANT VARIETIES (ASSINSEL)

ASSINSEL has a new member since 1996, Croatia. FLEUROSELECT, the association of breeders of ornamental plants, has recently filed an application for membership.

ASSINSEL has decided to institute an international study on the use of molecular markers for assessing relationships between varieties of ryegrass; it will inform the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT), next March on the conclusions of the study.

As to the work undertaken by the Council at its present session, ASSINSEL has three comments to make:

(a) ASSINSEL gives its full support to the work undertaken by BMT. Plant breeding is undergoing a true revolution at the present time and it would be a pity if UPOV were not involved in the ongoing work and refused to play its part as a forum for consultation between member States.

(b) Breeders do not want their new varieties to be recognized as distinct at any cost; they wish to obtain effective protection and are aware of the fact that an excessive reduction in the minimum distances between varieties would jeopardize their activities.

(c) Finally, ASSINSEL welcomes with pleasure UPOV's decision to permit access by the private sector to the CD-ROM and would inform its members of that fact with great speed.

INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED
ORNAMENTAL AND FRUIT-TREE VARIETIES (CIOPORA)

CIOPORA is to hold a colloquium on April 18, 1997, in Strasbourg, France, on the topic of the piracy of new plant varieties.

CIOPORA concurs with ASSINSEL on the matter of minimum distances between varieties.

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