



C/33/17

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-Third Ordinary Session
Geneva, October 20, 1999

RECORD OF THE DECISIONS
ADOPTED IN THE SESSION

adopted by the Council

Introduction

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirty-third ordinary session in Geneva on October 20, 1999, under the chairmanship of Mr. Ryusuke Yoshimura (Japan).
2. The list of participants is given in Annex I to this document.
3. The Council took the decisions recorded below, under each relevant agenda item.
4. The draft report on the session will be submitted to the next session of the Council for adoption.

Adoption of the Report on the Thirty-Second Ordinary Session

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

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

Lithuania

6. Discussions were based upon document C/33/13.

7. The Council decided

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

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

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

Tajikistan

8. Discussions were based upon document C/33/14.

9. The Council decided

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

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

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

Republic of Korea

10. Discussions were based upon document C/33/15.

11. The Council decided to

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

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

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

Egypt

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

13. The Council decided to

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

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

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

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

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

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

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

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

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

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

Progress of the Work of the Administrative and Legal Committee

17. The Council noted the work of the Administrative and Legal Committee as described in document C/33/9 and in the oral report given by its Chairman, Mr. John Carvill (Ireland).

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

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

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

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

20. The Vice Secretary-General observed that the budget summary appearing in Annex C of document C/33/4 showed a decrease to 0 for the “Consultants and Experts” position which was due to the proposal to create a new Professional post to handle activities currently carried out by a consultant. However, the impending retirement of Mr. Max-Heinrich Thiele-Wittig would require the provision of consultants and experts services in the technical area, in particular in the period preceding the appointment of his successor. There will consequently be some costs incurred for consultancy services in lieu of staff expenses.

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

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

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

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

Designation of Auditor

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

Calendar of Meetings in 2000

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

Election of New Chairmen

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

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

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

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

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

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

Situation in the Legislative, Administrative and Technical Fields

29. No decision was called for under this agenda item.

30. The Council adopted this record at the close of the session.

[Three Annexes follow]

ANNEXE I/ANNEX I/ANLAGE I/ANEXO I

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

(dans l'ordre alphabétique des noms français des États/in the alphabetical order of the names
in French of the States/in alphabetischer Reihenfolge der französischen Namen
der Staaten/por orden alfabético de los nombres en francés de los Estados)

I. ÉTATS MEMBRES/MEMBER STATES/VERBANDSSTAATEN/
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ARGENTINE/ARGENTINA/ARGENTINIEN/ARGENTINA

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III. ORGANISATIONS/ORGANIZATIONS/
ORGANISATIONEN/ORGANIZACIONES

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

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ORGANISATION DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUES (OCDE)/
ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)/
ORGANISATION FÜR WIRTSCHAFTLICHE ZUSAMMENARBEIT UND ENTWICKLUNG (OECD)/

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TION OF PLANT VARIETIES (ASSINSEL)/
INTERNATIONALER VERBAND DER PFLANZENZÜCHTER FÜR DEN SCHUTZ
VON PFLANZENZÜCHTUNGEN (ASSINSEL)/
ASOCIACIÓN INTERNACIONAL DE LOS SELECCIONADORES PARA LA PROTEC-
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V. BUREAU DE L'OMPI/OFFICE OF WIPO/BÜRO DER WIPO/
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José BLANCH, Head, Budget Section

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

Barry GREENGRASS, Vice Secretary-General

André HEITZ, Director-Counsellor

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Raimundo LAVIGNOLLE, Senior Program Officer

Evgeny SARANIN, Consultant

Sumito YASUOKA, Associate Officer

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

ANNEX II

CONTRIBUTIONS OF MEMBER STATES
(in Swiss francs)

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

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

[Annex III follows]

ANNEX III

DATES OF MEETINGS IN 2000

presented in the order of the organs

Council

October 26

Consultative Committee

April 7
October 25

Administrative and Legal Committee

April 6
October 23 and 24

Technical Committee

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

Technical Working Party for Agricultural Crops

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

Technical Working Party on Automation and Computer Programs

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

Technical Working Party for Fruit Crops

July 3 to 7, Budapest, Hungary

Technical Working Party for Ornamental Plants and Forest Trees

June 26 to 30, Budapest, Hungary

Technical Working Party for Vegetables

September 11 to 15, Angers, France

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

March 1 to 3, CPVO, Angers, France

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