

Council**C/52/15****Fifty-Second Ordinary Session
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**REPORTS BY REPRESENTATIVES OF MEMBERS AND OBSERVERS ON THE SITUATION IN THE
LEGISLATIVE, ADMINISTRATIVE AND TECHNICAL FIELDS***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. According to the practice introduced on the occasion of the twenty-sixth ordinary session of the Council, the reports from the representatives of members and observers on the situation in the legislative, administrative and technical fields of plant variety protection and related areas are requested to be submitted in writing, in advance, to increase the ability of the Council to carry out its tasks effectively.
2. Written reports were requested by the Office of the Union in the invitation circular relating to this session and a model format was proposed. The following reports were submitted (in alphabetical order of the names in French):

Members: Annexes I to XVIII: South Africa, Germany, Hungary, Israel, Kenya, Lithuania, Morocco, Mexico, New Zealand, Poland, Republic of Korea, Republic of Moldova, Czech Republic, Romania, Serbia, Switzerland, Ukraine and European Union
3. Reports received after September 18, 2018, will be included as an addendum to this document, which will be published after the Council session.

[Annexes follow]

SOUTH AFRICA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

- *Adaption to the 1991 Act of the Convention*

South Africa is currently embarking on a national stakeholder consultation process to obtain inputs from relevant stakeholders on SA's approval of the 1991 Act of the Convention.

- *Other amendments, including in respect of fees*

The fees on Plant Breeders' Rights were published in the SA Government Gazette, No. 41321 of 15 December 2017 in respect of the 2018/19 financial year, ending 31 March 2019.

1.2 Extension of protection to further genera and species (made or planned)

As per Table 1 of the Plant Breeders' Rights Act, Act No 15 of 1976, the following 14 additional genera and species were declared:

- *Achillea* L.
- *Anigozanthos* Labill.
- *Bidens* L.
- *Echeveria* DC.
- *Echinacea* Moench.
- *xHeucherella tiarelloides*
- *Mecardonia procumbens* (Mill.) Small
- *Opuntia ficus indica* (L.) Mill.
- *Oxalis* L.
- *xPetchoa* J.M.H. Shaw [*Petunia x Calibrachoa*]
- *Russelia* L.
- *Sedum* L.
- *Solanum habrochaites* S.Knapp & D.M. Spooner
- *Urochloa* L.

1.3 Case Law

None to report.

2. Cooperation in examination

None to report

3. Situation in the administrative field

No changes.

4. Situation in the technical field

The evaluation centres are responsible for the biological examination (DUS testing).

For 2017, 266 PBR applications were received of which 50% [134] were for Agricultural crops, 11% [29] for Ornamental crops, 33% [88] for Fruit crops and 6% [15] for Vegetable crops.

PBR's granted in 2017 were: Agricultural crops 149, Vegetable crops 18, Fruit crops 65 and Ornamental crops 37.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organisations (number of participants from each)
Sansor IP Workshop	13 Feb '18 15 Feb '18	Pretoria Cape Town	SANSOR [SA National Seed Organisation]	Value of IP in breeding, SA Legislation, Licensing	Farmers, breeders, researchers, seed companies – local and USA 50 – 70 participants
Technical assistance & training	19 Apr '18	Pretoria	SA PBR Office	SA PBR processes & Legislation	Agricultural Research Council 10 participants
NUMPRO Meeting [Nuclear Material Producers]	08 May '18	Pretoria	Potato Certification Service	PBR on potato varieties	SA Potato Industry 60 participants

II OTHER DEVELOPMENTS OF RELEVANCETO UPOV

None to report.

[Annex II follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

Nothing to report.

2. Cooperation in examination

Nothing to report.

3. Situation in the administrative field

Nothing to report.

4. Situation in the technical field

Nothing to report.

5. Activities for the promotion of plant variety protection

During the reporting period, a representative of the Plant Science and Agricultural Training and Research Institute of the Mongolian University of Life Sciences visited the Federal Plant Varieties Office to find out about registration testing for potatoes. In addition, visits were paid to German breeding companies and research facilities and the German Potato Gene Bank and training was provided on field visits.

As part of the German–Indian cooperation project of the Federal Ministry of Agriculture, further activities were carried out in the area of variety testing. There was also an exchange of expertise on registration testing for potato, rose and maize species. Furthermore, Indian technical experts visited the Federal Plant Varieties Office and technical specialists from the Federal Plant Varieties Office also visited their Indian counterparts to share expertise.

Lastly, a joint workshop on cooperation for the development of the seed sector and plant variety protection (EU–India Intellectual Property Cooperation) was attended by representatives of the Indian institutes responsible for intellectual property matters, various European breeders' associations, the Community Plant Variety Office, the European Intellectual Property Office, the Dutch Ministry of Agriculture, Nature and Food Quality, UPOV and the Federal Plant Varieties Office.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Nothing to report.

[Annex III follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

No changes.

1.2 Extension of protection to further genera and species (made or planned)

No changes. Pursuant to the rules in force, plant variety protection extends to all plant genera and species.

1.3 Case law

No data.

2. Cooperation in examination

No changes. According to paragraphs (3) and (4) of Article 114/R of the Patent Act the results of experimental testing (DUS examination report) carried out by a competent foreign authority may be taken into consideration with the consent of such authority (...). The costs of experimental testing shall be borne by the applicant. Therefore the Hungarian Intellectual Property Office (HIPO) took steps to conclude agreements with national and regional offices on sending reports on DUS technical examination from the relevant Office to the HIPO.

The Hungarian Intellectual Property Office concluded agreements on sending reports on DUS technical examination with the Community Plant Variety Office (CPVO), with the Bundessortenamt (Germany) as well as with the Board for Plant Breeders' Rights of the Ministry of Agriculture, Nature and Food Quality (Netherlands).

3. Situation in the administrative field

No changes. The HIPO is authorized to grant protection to plant varieties. In the national system the HIPO is responsible for the examination of novelty, denomination and unity as well as for the registration of plant varieties. The National Food Chain Safety Office is responsible for the biological examination (DUS-testing).

4. Situation in the technical field

Technical examination is carried out by the National Food Chain Safety Office.

[Annex IV follows]

ANNEX IV

ISRAEL

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

No changes.

2. Cooperation in examination

New agreement with Brazil is completed.

New agreements with CPVO for *Magnifera Indica L.* & *Jacaranda mimosifolia L.* varieties are completed.

3. Situation in the administrative field

- PBR New Registrar as of January 21st, 2018 is Ms. Moran Hacoheh - Yavin
- Changes in office procedures and systems: none

4. Situation in the technical field

No changes.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
The annual assembly of the Seeds Division	11.2017	Tel Aviv, Israel	The Federation of Israeli Chambers of Commerce	PBR Council's presentation, cooperation and understanding the difficulties in PBR enforcement	Various local seeds companies, seeds growers and breeders	
Preparation & production of prospects and flyers	3.2018	Israel	Israeli PBR Unit	PBR Promotion		
The 1st Int'l Conf. on Medical Cannabis	23-24.4.2018	Kfar Ha'Macabia, Ramat Gan, Israel	The Israeli Ministry of Health & The Israeli Ministry of Agriculture and Rural Development	PBR Promotion and participation	Various International and local researchers, physicians, companies, growers and private people	Booth and representation
AGRITECH The 20th Int'l Agricultural Exhibition & Conference	8-10.5.2018	TLV Convention Center, Tel Aviv, Israel	The Israeli Gov. (Ministries of Agriculture, Economy, Foreign Affairs, etc.)	PBR Promotion and participation	Various International and local companies and private people	Booth and representation in the Ministry's pavilion
Fresh Agro Mashov Exhibition	26-27.6.2018	TLV Convention Center, Tel Aviv, Israel	Mashov Group	PBR Promotion and participation	Local agricultural companies, growers etc.	Booth and representation in the Ministry's pavilion
Meetings with growers and plant breeders	2018	All over Israel	PBR office	Cooperation improvement between growers, PBR holders and breeders, and understanding the difficulties in PBR enforcement	Private and public companies' breeders and growers in Israel	

[Annex V follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

The National Plant Variety Protection in Kenya is provided under the Seeds and Plant Varieties Act (CAP 326) of 1972, which became operational in 1975 and was revised in 1991. Official regulations to guide the implementation of PVP service were put in place in 1994 and the office to administer the PVP was established in 1997 and has functioned under Kenya Plant Health Inspectorate Service (KEPHIS) since 1998. Kenya acceded to UPOV under the 1978 Convention on 13th May 1999. In 2012, the Seeds and Plant Varieties Act was amended to incorporate components of the 1991 UPOV Convention. On April 11, 2016, Kenya deposited the instrument of accession to the 1991 UPOV Convention Kenya is now bound by the 1991 UPOV Convention effective from May 11, 2016. Currently Kenya is in the process of reviewing of PBR Regulations to facilitate implementation the optional exemption.

1.2 Genera and species covered

Kenya extends Plant Variety Protection to all plant genera and species, other than algae and bacteria. At the moment, a total of sixty one (78) taxons of selected plant species have been registered for protection in the country.

1.3. Case law

Under the Kenyan Seeds and Plant Varieties Act (Plant Breeders Rights) applications for Plant Breeders Rights are required to be published in the Kenya gazette, to allow those opposing any applications or grant of rights, to make the objections and make representations to the Authorized Officer – KEPHIS. The Authorized Officer determine the hearing of such representations but any applicant aggrieved by the decision of the Authorized Officer may appeal to the Seeds and Plants Tribunal and if further aggrieved by the decision of the Tribunal, final appeal to the High Court.

From the time of inception of the PVP service in Kenya, a total of forty eight (48) applications for PBRs have been contested. Out of these, cases for thirty one (31) applications have been heard and determined by the Authorised Officer. Hearing of representations for the remaining cases for seventeen (17) applications is on-going. So far there has been no case that has been challenged through the Tribunal.

2. Cooperation in examination

As per UPOV Article 32 on Special Agreements, the PVP office in Kenya has entered into international cooperation with other UPOV Member States and Intergovernmental Organizations in the utilization of the existing DUS examination reports notably,

- European Community – Community Plant Variety Office
- RaadVoorPlantrassen (Board for Plant Varieties) – Netherlands
- The Plant Breeders' Rights Council – Israel
- Commissioner of Plant Variety Rights - New Zealand
- The registrar, National Department of Agriculture – South Africa
- Bundessortenamt - Germany
- Department for the Environment, Food and rural Affairs (DEFRA)-United Kingdom
- New Business and Intellectual Property Division Food Industry Affairs Bureau-Japan
- Korea Seed and Variety Services, Korea Republic of Korea

Further, KEPHIS- Kenyan Authority has signed the memorandum of understanding with Korea seed and variety services, Korea republic of Korea to facilitate cooperation in the field of plant varieties examination and protection on the basis of the principles of reciprocity.

Kenya is a beneficiary of plant variety trainings that took place training TWA session held in Kenya.

3. Situation in the administrative field

The administrative structure, office procedures and systems within the PVP office in Kenya remains the same however the PBR applications can be done online. Kenya has embraced the use of UPOV PRISMA application tool for all genera and species.

All correspondences need to be addressed to:

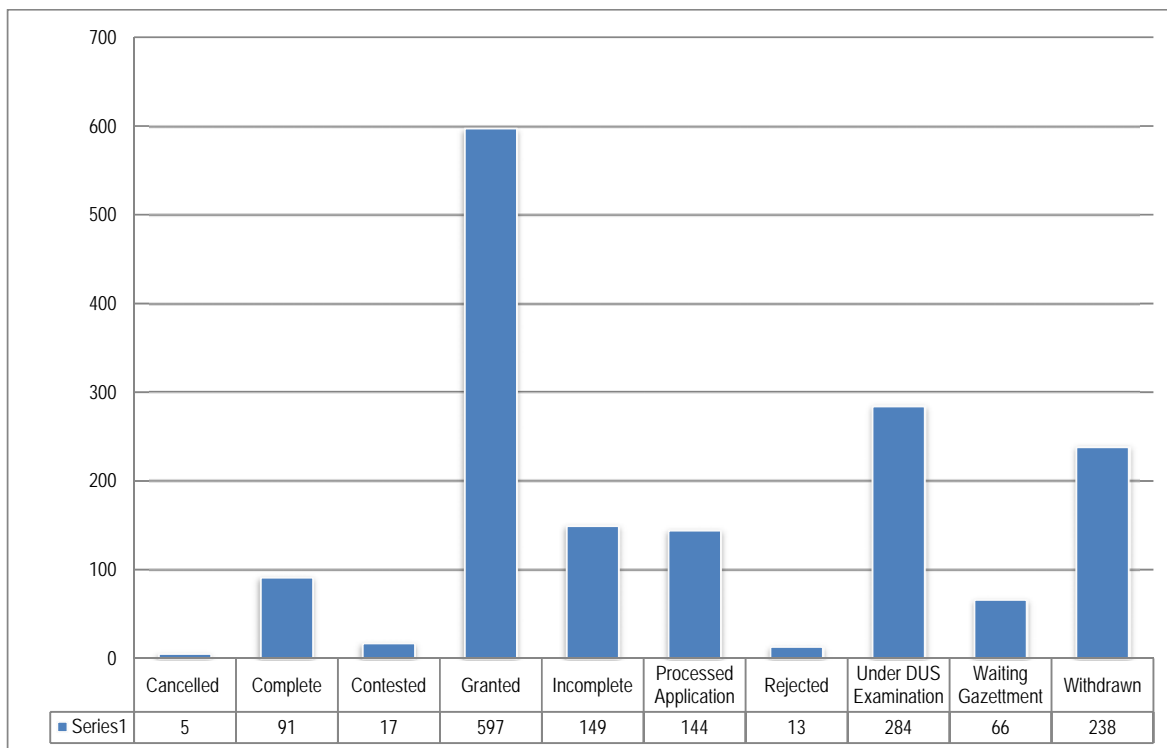
The Managing Director
Kenya Plant health Inspectorate Service
Headquarters, Oloolua Ridge, Karen
P. O. Box 49592-00100, Nairobi
Tel. +254 20 661 8000
Cell: +254 707 891 000
e-mail: director@kephis.org
Website: www.kephis.org

4. Situation in the technical field

a. Application and grant of Plant Breeders' Rights

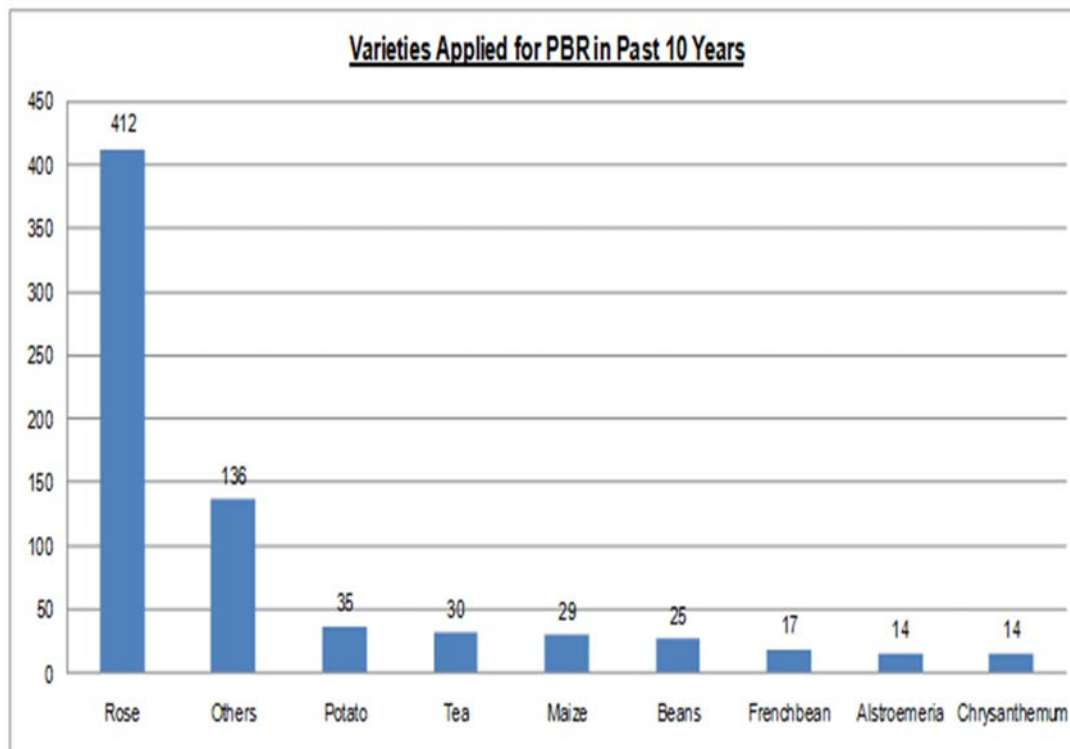
Since inception until end of 2017 of the PVP office in Kenya, a total of 1,679 applications for Plant Breeders' Rights have been received. Figure.1.0 below shows the status of such applications.

Fig 1.0 PBR Status in Kenya as at December 2017



Reasons for withdrawn applications by the breeders include reduced interest in a variety by consumers and availability of better varieties to the breeder. Those applications either not meeting the novelty requirement and / or fail the DUS testing are withdrawn by the authorized officer – KEPHIS. The incomplete applications are either due to missing supportive documents that must accompany the application or due to non-payment of the application fee by the applicant. Applications approved for granting of PBR titles are those DUS examination report has been finalized and confirmed to be positive but awaits payment of grant for PBR certificate fee by the applicant. The date of payment of this fee becomes the official commencement date of protection of that variety in Kenya. To date the total number of PBR Grants awarded is 597 Fig. 1.0 shows the status of such granted titles.

Fig.1.2



b. DUS testing

The Office is conducting DUS for Pigeon pea, Cowpeas, Cotton, Maize, Rice, Millets, Sorghum, Sunflower and Potatoes and a number of traditional vegetables (Jute mallow, mrenda and amarathus). National test guidelines for these crops are completed. Kenya is part of the team developing the Tea test guideline.

5. Activities for the promotion of plant variety protection

The PVP office in Kenya has been actively involved in a number of activities for the promotion of plant variety protection in the country and within the Africa region. Some of these promotional activities includes:

- Dissemination seminars on awareness creation on PVP services in the country. These seminars targets National Agricultural research institutions, Universities, policy makers, Agricultural extension staff as well as the larger farming communities.
- The office is working with other sectors in agriculture to ensure that operating regulations are in conformity with the Seed and Plant Varieties Act and by extension the UPOV Convention.
- Within the region, the Office has been instrumental in development of the ARIPO PVP framework and made contributions to the EAC law on protection of new plant varieties.
- The Office has also been involved in exposing delegations from Ethiopia to the Kenyan PVP system.
- The office is also taking lead in the harmonization of variety testing within the East Africa cooperation. Kenya is part of the team of experts involved in the development of East African Community Seeds and Plant Varieties Bill.

[Annex VI follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations:

- Law on Plant Variety Protection of the Republic of Lithuania amended on 19th of October, 2006 and last amended on 26th of April, 2012;
- Regulation No 1458 of the Government of the Republic of Lithuania of the 15th of December, 2000, regarding Fees Rates;
- Order No A1-50 of the Director of the State Plant Service under the Ministry of Agriculture of the 8th of August, 2010, on the Approval of Application Form for Plant Variety Protection;
- Order No 3 D–371 of the Minister of Agriculture of the Republic of Lithuania of the 23th of June, 2004, regarding remuneration.

1.2 Extension of protection to further genera and species (made or planned)

- According to the amendments of the Law on Plant Variety Protection of the Republic of Lithuania on 26th of April, 2012, varieties of all plant genera and species could be protected in the Republic of Lithuania.

1.3 Case law

- There is now case law relating plant varieties protection in Lithuania on 2017.

2. Cooperation in examination

There are 2 signed agreements regarding the cooperation in examination in Lithuania:

- Bilateral agreement of the 11th of August, 2000, with the Polish Research Centre for Cultivar Testing (COBORU) regarding performing DUS tests, has been amended on 14th of November, 2012, by the Administration agreement No 1/2012/19T-247;
- Agreement No 10 with Federal Office of Plant Varieties (Bundessortenamt), Germany, regarding transmission of the results on technical examination for DUS tests of the 30th of June, 2006, has been amended on the 18th of October, 2010, by the agreement No 19T-98.

3. Situation in the administrative field

- The Plant Variety Division of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania is responsible for plant varieties testing, listing and legal protection as well;
- The Commission for Evaluation of Applications for Variety Protection approved by the Order No. A1-141 of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania on the 6th of May, 2011, has been amended on 27th of January, 2016, by the Order of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania No. A1-42;
- The granting of the plant variety protection shall be approved by the order of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania;
- Procedures and the system of the plant varieties protection are defined by the Law on Plant Variety Protection of the Republic of Lithuania.

4. Situation in the technical field

- DUS tests are performed by the Polish Research Centre for Cultivar Testing (COBORU) according to an Administration agreement No 1/2012/19T-247, amended 14th of November, 2012, or by the other competent authority of the European Union by the breeder's request.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer (s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
1. Administrative Council of the CPVO meeting	14-15 of March, 2017	Angers, France	CPVO	To discuss main questions regarding plant variety protection	European Commission, CPVO, UPOV, observers and member states – 32 at all
2. Working group on Plant Variety Denominations and programme "Variety Finder"	16 of June, 2017	Paris, France	CPVO	To discuss main questions on plant variety denominations	European Commission, CPVO, UPOV and member states – 22 at all
3. Meeting of the Lithuanian Seed Association members and employees of the State Plant Service under the MoA	22 of June, 2017	Kaunas, Lithuania	Lithuanian Seed Association and State Plant Service under the MoA	To discuss main questions on plant variety testing, listing and protection as well	Members of the Lithuanian Seed Association and employees of the State Plant Service under the MoA – 42 at all
4. Administrative Council of the CPVO meeting	3-4 of October, 2017	Brussels, Belgium	CPVO	To discuss main questions regarding plant variety protection	European Commission, CPVO, UPOV, observers and member states – 33 at all
5. European Council meeting	13 of October, 2017	Brussels, Belgium	European Commission	To coordinate activities before the UPOV meetings	European Commission, CPVO, UPOV and member states – 26 at all
6. European Council meeting	25 of October, 2017	Geneva, Switzerland	European Commission	To coordinate activities before the UPOV meetings	European Commission, CPVO, UPOV and member states – 18 at all
7. UPOV Consultative Committee and Council meetings	25-26 of October, 2017	Geneva, Switzerland	UPOV	To discuss main questions regarding plant variety protection in the consultative fields	Members (92), observers (13), organisations (11), UPOV (11) – 127 at all
8. CPVO meeting with the examination institutions	5-6 of December, 2017	Angers, France	CPVO	To discuss questions regarding plant varieties DUS testing and protection	European Commission, CPVO, UPOV and member states – 41 at all

- Information Bulletin on Plant Breeder's Rights and National List of Plant Varieties No. 1 (27) of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania was published on the 4th of January, 2017, and No 2 (28) – on the 15th of June, 2017.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

- The Lithuanian National List of Plant Varieties 2017 has been approved by the order No A1-105 of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania on the 23th of February, 2017. Propagating material of each registered variety from each plant species can be certified according to the Mandatory Requirements, prepared respectively by the EU directives.

[Annex VII follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments to the law and implementing regulations

None.

1.2 Extension of protection to other genera and species (completed or planned)

Extension of the list of protectable species in Morocco to the following species: prickly pear, perfume rose, quinoa and stevia.

2. Cooperation in examination

None.

3. Situation in the administrative field

None.

4. Situation in the technical field

Since Law No. 9-94 entered into force, 845 applications have been filed to obtain PBR (plant breeder's right) protection for new plant varieties. Of this number, 440 varieties have been protected and 301 varieties are under examination. For the remaining 104 varieties, the applications have been withdrawn or abandoned or their term of protection has expired.

[Annex VIII follows]

ANNEX VIII

MEXICO

I. PROTECTION OF NEW PLANT VARIETIES

1. Legislative situation

1.1 Adaptation to the 1991 Act of the UPOV Convention

Since August 31, 2018, Mexico has had a draft amendment to the Federal Law on Plant Varieties, incorporating the provisions of the 1991 Act of the Convention.

Representatives from recognized public- and private-sector organizations participated in the integration and revision of the mentioned draft; such as the

- Mexican Association for the Protection of Intellectual Property (civil association);
- Mexican Association of Seed Producers (civil association);
- National Association of Berry Exporters (civil association);
- International Centre for Maize and Wheat Improvement;
- Postgraduate School of Agricultural Sciences;
- Mexican Flower Council (civil association);
- Autonomous University of Chapingo;
- National Institute of Forestry, Agricultural and Livestock Research;
- Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food;
- National Seed Inspection and Certification Service (SNICS);
- United Mexican Seed Producers (civil association); and
- Union of Plant Breeder Representatives of Mexico (civil association).

The legal staff of the UPOV Office supported the process by performing a first review.

The draft is expected to be presented to the Mexican Congress at the end of September or the beginning of October of the current year.

1.2 Fees relating to the processing of breeder certificate applications

These are updated annually. For 2018 they are as follows:

No.	Service	Amount	
		\$ MX	\$USD
1	Examination and processing of the application for protection of breeder's rights	16,712	870
2	Issue of record of filing	889	46
3	Issue of breeder's certificate	8,178	426
4	Recognition of priority rights	889	46
5	Change of denomination	2,258	118
6	Registration of assignment of protection rights	1,580	82
7	Per certified copy of the certificate	451	23
8	Registration of total or partial assignment of rights	799	42
9	Copy of the description of the protected variety	451	23
10	Submission of corrections or additional information for reasons attributable to the user	293	15
11	Annual approval of certificate protecting plant breeder's rights	3,488	182
12	Issue of certified copies of documents, per letter- or legal-size sheet	19	1

1.3 Extension of protection to further genera and species

Since the approval of the legislation, consideration has been given to providing protection to all genera and species in Mexico.

2. Activities for the promotion of plant variety protection

Activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/organizations (number of participants from each)
1. Second regional workshop on phylogenetic resources, plant variety registration and seed certification	March 23 and 24, 2018	Yucatan, Mexico	Regional University Centre of the Yucatan Peninsula, Autonomous University of Chapingo	Raise awareness of the basics of phylogenetic resources and the technical and administrative procedures for plant variety registration and seed grading with SNICS.	Mexico (50)
2. Training for agave producers	May 14, 2018	Hidalgo, Mexico	Producers from the Hidalgo and Tlaxcala state committees on agave production	Raise awareness of the basics of plant variety intellectual property (IP) and the requirements for registering on the national list of plant varieties.	Mexico (16)
3. Presentation on breeders' rights in Mexico	May 16, 2018	Jalisco, Mexico	World Intellectual Property Organization and the Mexican Industrial Property Institute (IMPI)	Participate in the IP summer school	Mexico (21)
4. IP diploma	May 18, 2018	Coahuila, Mexico	IMPI and Juarez University of the State of Durango	Researcher training on IP topics	Mexico (51)
5. Current issues in IP	May 23, 2018	Mexico City	Mexican Association of Seed Producers and SNICS	Inform members of the Mexican Association of Seed Producers of current issues in plant variety protection	Mexico (34)
6. IP and registration of products derived from agricultural and forestry research	May 24 and 25, 2018	Yucatan, Mexico	Southeastern Regional Investigation Center of the National Institute of Forestry, Agricultural and Livestock Research	Raise awareness of the basics of and requirements for registering in the National Catalog of Plant Varieties and seeking protection through a breeder's certificate.	Mexico (12)
7. IP diploma	June 21 and 22, 2018	Coahuila, Mexico	Applied Chemistry Research Centre	IP diploma	Mexico (9)
8. Workshop on the registration of plant varieties and the use of technical guides for varietal description	August 23 and 24, 2018	Jalisco, Mexico	Pioneer Mexico	Raise awareness of the technical, administrative and legal services provided by SNICS, with emphasis on breeders' rights and the use of technical guides for varietal description.	Mexico (6)

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Since January 2018, Mexico has accepted electronic applications submitted through UPOV PRISMA. Four applications have been received to date.

[Annex IX follows]

NEW ZEALAND

PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Plant Variety Rights Act 1987 remains in force, conforming to the 1978 Act of the Convention.

The New Zealand government has commenced a review of the Plant Variety Rights Act 1987. Public consultation has commenced, with the release of an Issues Paper in September 2018. The review will be completed within approximately three years.

2. Cooperation in examination

New Zealand continues to purchase test reports from member states, for certain species on an as required basis, under the general provisions of the Convention. New Zealand continues to supply a test report, on request from an Authority, at no cost.

The free exchange of test reports and variety descriptions between some authorities is also being utilised for the identification of varieties of common knowledge, adding to national variety description databases and use for supplementary examination.

3. Situation in the administrative field

During the financial year ended 30 June 2018, 121 applications for plant variety rights were accepted (7% decrease on the previous year), 79 grants were issued (21% decrease on the previous year) and 72 grants were terminated (30 % decrease on the previous year). At 30 June 2017 there were 1306 valid grants, a small increase on the previous year. Application numbers are stable with low annual fluctuation.

The Office is following a programme of continuous improvement for the case management system with 97% of applications now filed on line.

A programme to provide guidance documents on the website was started several years ago. A revised document; Orders affecting your Rights: compulsory licences or sales orders, has been updated in the last year.

<https://www.iponz.govt.nz/about-ip/pvr/technical-guidance/current/orders-affecting-your-rights-compulsory-licences-or-sale-orders/>

4. Situation in the technical field

A programme to provide technical guidance documents on the website was started several years ago. Three revised documents and have been updated in the last year.

Use of foreign test reports for DUS testing in New Zealand

<https://www.iponz.govt.nz/about-ip/pvr/technical-guidance/current/use-of-foreign-test-reports-for-dus-testing-in-new-zealand/>

Availability and supply of plant material for PVR purposes

<https://www.iponz.govt.nz/about-ip/pvr/technical-guidance/current/availability-and-supply-of-plant-material/>

In addition, the following new document has been added

Variety testing in New Zealand

<https://www.iponz.govt.nz/about-ip/pvr/technical-guidance/current/variety-testing-in-new-zealand/>

New Zealand's strict biosecurity requirements provide difficulties and delays for the importation of plant material for foreign bred varieties. For imported apple varieties, the length of time from application to grant was previously three to six years, now the length of time has extended to five to eight years. The increasing length of the provisional protection period is becoming a more significant factor for owners and their agents with respect to management of the variety. Lengthening application time frames for many species has also impacted DUS testing arrangements, organisation and scheduling.

The Plant Variety Rights Office has a new cooperative arrangement with a private company for the DUS Testing of Rubus (Raspberry and Blackberry) varieties. The private company provides a collection site, field staff and associated resources and the Office provides DUS testing expertise and guidance. The private company charges other parties for usage and there has been encouraging support and participation from the wider berry fruit industry.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
Technical Assistance and Training	15-17 May 2018	Republic of Korea	Korean International Cooperation Agency / Korean Seed and Variety Service	Plant Variety Protection and DUS Testing International Training Course	Sudan, Ghana, Peru, Guatemala, Philippines, Moldova 13 participants	NZ as Technical Advisor and drafting Test Guideline expert

[Annex X follows]

POLAND

Period: September 1, 2017 – August 31, 2018

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Act of June 26, 2003 on the Legal Protection of Plant Varieties (consolidated text: POJ of 2018, item 432) constitutes the legal basis for the national PBR protection system in Poland.

The Polish plant variety protection law is based on the 1991 Act of the UPOV Convention.

Poland became the UPOV member on November 11, 1989 and acceded to the 1991 Act of the UPOV Convention as the twenty-fourth State, on August 15, 2003.

Since November 1, 2000 all plant genera and species are eligible for PBR protection in Poland.

2. Cooperation in examination

The Research Centre for Cultivar Testing (COBORU) in Słupia Wielka continues its cooperation in the field of DUS examination with different countries.

We have signed bilateral agreements on DUS testing with the Czech Republic, Hungary and Slovakia. Unilateral agreements with Estonia, Belarus, Latvia, Lithuania, Romania, Russian Federation, Slovenia and Ukraine are in force.

In the reporting period, Poland carried out DUS tests for the authorities from the following countries: Belgium (1 variety), Croatia (1 variety), Czech Republic (54 varieties), Denmark (1 variety), Germany (5 varieties), Lithuania (48 varieties), Hungary (29 varieties), Estonia (27 varieties), Latvia (7 varieties), Slovakia (2 varieties), Slovenia (7 varieties), Sweden (4 varieties), as well as for the CPVO (34 varieties).

These tests were done for the different species of agricultural (152 varieties), vegetable (18 varieties), ornamental (12 varieties) and fruit (38 varieties) plants. Altogether, 220 varieties were tested as a commissioned work for the above mentioned authorities.

As in previous years, some authorities, namely: the CPVO, Austria, Bosnia and Herzegovina, Bulgaria, Czech Republic, Estonia, Finland, France, Latvia, Lithuania, Romania, Russian Federation, Serbia, Sweden, United Kingdom took the technical examination results over from COBORU, in order to base their decisions for their own procedures.

Poland actively participated in the work on the elaboration of the technical protocols during the meetings organized by the CPVO.

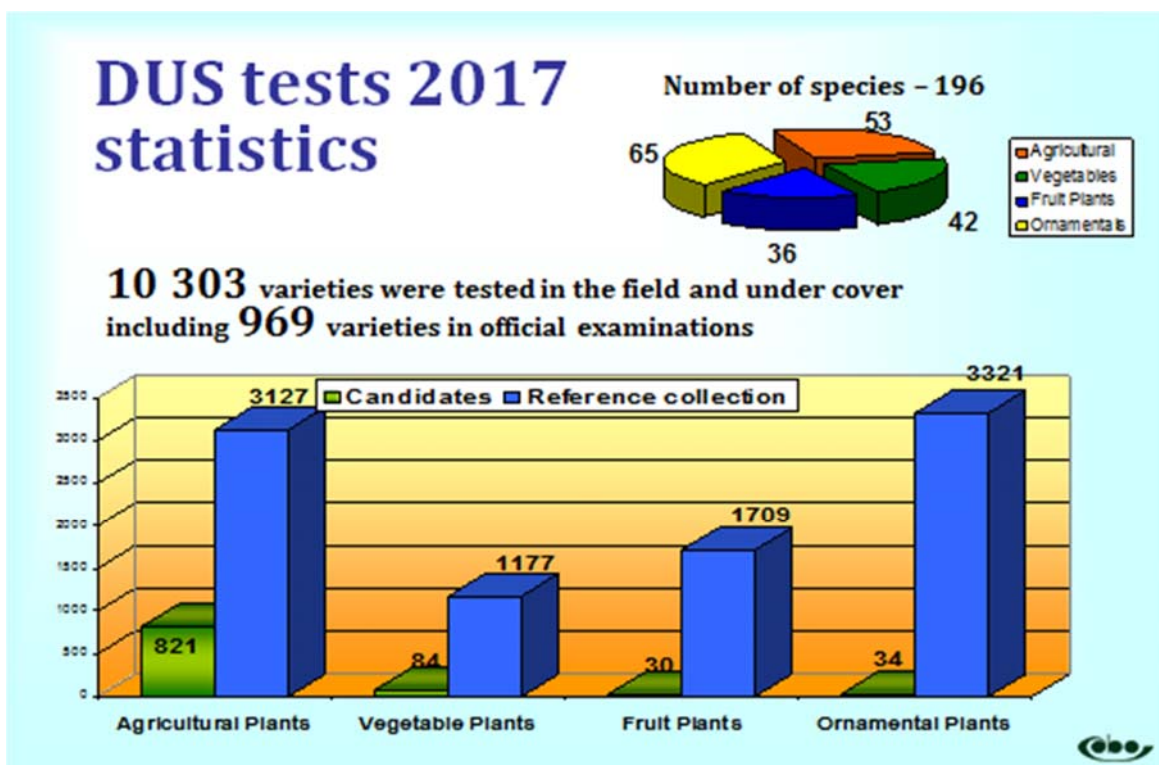
3. and 4. Situation in the administrative and technical fields

COBORU variety testing activity in the field of DUS is done in 13 different Experimental Stations for Variety Testing located all over the country and in case of fruit plants additionally in the Research Institute of Horticulture in Skierniewice.

In 2017, 10 303 varieties within 196 plant species were tested (which included 9334 varieties in living reference collection and 969 candidate varieties).

The number of varieties tested in Poland, per plant sector, is shown in the graph below.

Number of varieties in DUS testing in 2017



In 2017, COBORU received 110 applications for national PBR protection in total, which constitutes a decrease by 5 applications in comparison with the previous year.

From January 1 to September 1, 2018, 87 new applications, including 48 domestic and 39 foreign, have been submitted for national PBR. This number is higher by 7 applications than that observed in the previous reporting period (80).

In 2017, COBORU granted 74 titles of national protection (11 titles less than in 2016). At the end of 2017, there were 1178 national PBR titles in force, which comparing to the previous year represents an increase by 16 varieties.

In the period from January 1 to September 1, 2018, 91 titles of national PBR protection have been granted. In total, 1231 varieties are protected in Poland (as on Sept. 1, 2018).

Details on the statistics are given in the table below.

In the column "Titles having ceased", there is no variety for which - within the reported period - national PBR expired.

Plant Species	Applications for PBR 1.01. – 1.09.2018			Grants of PBR 1.01. – 1.09.2018			Titles having ceased	Titles in force as on 1.09.2018
	domestic	foreign	together	domestic	foreign	together		
Agricultural	31	2	33	39	1	40	16	668
Vegetable	2	-	2	13	2	15	1	229
Ornamental	12	35	47	17	10	27	11	220
Fruit	3	2	5	9	-	9	10	114
Total	48	39	87	78	13	91	38	1231

5. Activities for the promotion of plant variety protection

Representatives from Poland regularly participate in the sessions of the UPOV organs and in the UPOV Technical Working Parties.

Furthermore, Polish representatives take part in the meetings of the Standing Committee on CPVR DG SANTE, Brussels as well as in the CPVO Administrative Council meetings.

Within the reporting period, the UPOV Distance Learning Course "Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention" (DL-205) has been successfully completed by four COBORU examiners.

Publications

Every two months COBORU issues the *Polish Gazette for Plant Breeders' Rights and National List* (Diariusz), which contains details referring to national PBR protection and national listing systems.

The list of varieties protected by national Plant Breeders' Rights (including provisional PBR's), valid as on June 30, 2018, has been published in the third number of the *Polish Gazette for Plant Breeders' Rights and National List* /No 3(146)2018/.

The Official Gazette is also being published on our website, in the section: *Publications*.

Additionally, the Research Centre for Cultivar Testing maintains and updates systematically a homepage www.coboru.pl that contains the official information on PVP matters in Poland.

During the reporting period COBORU was involved in the following promotional activities:

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
1. Training course for farm advisers on "National regulations on registration and legal protection of plant varieties"	13.11.2017	Poland, Poznań	The Agricultural Advisory Centre in Brwinów, with Branch Office in Poznań	COBORU expert gave a lecture on "Legal protection of plant varieties in Poland – granting and scope of PBR"	PL–20
2. R&D Strawberry Ring Test	06.06.2018	Poland, COBORU Experimental Station, Masłowice	CPVO, COBORU	Harmonization of observations and discussion on elaboration and update of the technical protocol for this species	CPVO–2 ES–1 DE–2 PT–1 PL–11
3. Visit of Ukrainian delegation	12-15.06.2018	Poland, COBORU headquarters; Experimental Stations: Słupia Wielka, Śrem	COBORU	Presentation of COBORU organization and activity; procedures of variety listing and protection in PL; system of DUS testing and VCU assessment	UA–3 PL–10
4. Visit of UKSUP (SK) representatives	13-15.06.2018	Poland, COBORU headquarters; Experimental Station Słupia Wielka	COBORU	Presentation of COBORU organization and activity, including DUS testing system; discussion on possible areas of cooperation	SK–4 PL–10
5. Eleventh Working Seminar on Statistical Methods in Variety Testing	25-29.06.2018	Poland, COBORU headquarters	COBORU	Presentation of 17 papers on the application of mathematical statistics in plant breeding, VCU assessment, DUS testing and genetics	DE–5 UK–3 SE–2 FR–2 CZ–2 PL–12

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

The *Polish National List of Agricultural Plant Varieties*, the *Polish National List of Vegetable Plant Varieties* and the *Polish National List of Fruit Plant Varieties* were issued in April, May and July 2017, respectively. These Official Lists as well as updated lists of varieties are also available at www.coboru.pl.

[Annex XI follows]

REPUBLIC OF KOREA
Period: September 2017 - August 2018

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

Nothing to report

1.2 Extension of protection to further genera and species (made or planned)

Nothing to report

1.3 Case law

- (a) Judgement of Patent Court of 19 April 2018 in Case 2017Heo4556, regarding an appeal brought against the decision of the Board of Appeal of PVP of 8 June 2016(case 2016-Pum-001) in which Board dismissed the action brought against the rejection ruling of KSVS for the variety 'CJ Haengbokhan 1Ho', which was lack of uniformity and stability

Patent Court has rejected the appeal as unfounded, and has condemned the applicant to pay the costs.

KSVS rejected 'CJ Haengbokhan 1Ho', because it was lack of uniformity as a result of DUS examination. But the applicant insisted that the uniformity should be examined using DNA profile as well as visual observation, and considering environmental effects, hence the candidate variety is sufficiently uniform in that respect. Patent Court decided that rejection ruling of KSVS is right in that the uniformity was examined by principles of DUS examination, DNA profile is not critical in examination of uniformity but supplementary tools because the DNA profile could not reflect the phenotype completely, and the influence of environment is not so crucial in expression of its own characteristics.

2. Cooperation in examination

Republic of Korea has provided DUS reports for two varieties of cabbage to Serbia by the request of examination authority. DUS examination for *Actinidia* is currently underway on behalf of Intellectual Property Office of Singapore(IPOS) in accordance with MOU between KSVS and IPOS.

3. Situation in the administrative field

Mr. CHOI Byung-guk started for his new post as Director General of KSVS for two year term last May.

28 December 2017, Ministry of Agriculture, Food and Rural Affairs delegated further tasks to KSVS. These tasks regard the registration of business of raising seedlings and seed test, therefore do not affect the plant variety protection system.

4. Situation in the technical field

During the financial year ended 31 December 2017, 694 applications for plant variety rights were accepted(5 % increase on the previous year), 508 grants were issued(8% decrease on the previous year) and 338 grants were terminated. At 31 December 2017 there were 4,861 valid grants. Information on Plant Breeders' Rights can be found at www.seed.go.kr

New national Test Guidelines(TG) for 8 genera and species was established, and existing TGs of 17 genera and species were revised for harmonizing with the UPOV TGs in 2017-2018.

Republic of Korea has been participating in the revision of test guideline for *Ginseng* in TWA as leading expert since 2017.

From this September, applicant can submit the application through UPOV PRISMA as well as national electronic application system for 5 crops (soybean, potato, apple, rose, lettuce).

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
1. Training course for the development of Asia seed industry	2017.10.22-11.4	Gimcheon, Korea	KSVS	Training seed experts	Afghanistan, Bangladesh, Cambodia, China, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Sri Lanka, Thailand, Viet Nam
2. KOICA PVP training course	2018.5.13-6.2	Gimcheon, Korea	KOICA & KSVS	Training PVP experts	Ghana, Guatemala, Peru, Philippines, Republic of Moldova, Sudan (13 persons)
3. East Asia PVP Forum	2018.7.30-8.3	Manila, Philippines	EA-PVP Office	Regional cooperation for PVP	Brunei Darussalam, Cambodia, China, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Republic of Korea, Singapore, Thailand, Viet Nam
4. Workshop for raising awareness on PVP	2018.6.21 6.22 6.26	Ichon, Korea Hyeongsung, Korea Jeju, Korea	KSVS	Raise awareness on PVP	Associations of fruit farmers and fruit tree producer, officials related to seed industry of rural government (450)
5. Training course for the development of Asia seed industry	2018.10.14-10.27	Gimcheon, Korea	KSVS	Training seed experts	Afghanistan, Bangladesh, Cambodia, China, Myanmar, Pakistan, Philippines, Sri Lanka, Viet Nam

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

ACT on Access, Use and Benefit Sharing of Genetic Resources (ACT No. 14,533. Ministry of Environment) has come into effect as from 18 August 2018. ACT on Access, Use and Benefit Sharing of Genetic Resources, in short Genetic Resources ACT was established in 17 August 2017 to conform Nagoya Protocol of Convention on Biological Diversity.

[Annex XII follows]

REPUBLIC OF MOLDOVA

1. Situation in the legislative field

1.1 Amendments to the Law and the implementing regulations

The Regulation on the procedure of filing and examination of the application, grant and maintenance of patent for a plant variety, approved by the Government Decision of the Republic of Moldova No. 295 of April 16, 2009 was modified and amended by the Government Decision No. 353 of May 30, 2017. The modifications include the addition of the possibility of filing the application using the UPOV electronic application form and of provisions regulating the optional exception to the breeder's right according to the Art. 15(2) of the 1991 Act of the UPOV Convention, included in the Law No. 39-XVI of 29.02.2008 on the Protection of Plant Varieties by the Law No. 101 of 26.05.2016

1.2 Extension of protection to further genera and species

According to the Law No.39-XVI/2008 on the Protection of Plant Varieties, the protection is offered to varieties of all botanical genera and species, including hybrids between genera and species.

1.3 Case Law

There is no precedent with regard to the protection of breeders' rights.

2. Cooperation in examination

Utilization of existing DUS report offered by:

- GEVES, Beaucouzé, FR
- Bundessortenamt, DE
- Central Institute for Supervising and Testing in Agriculture (UKZUZ), CZ
- Plant Varieties and Seeds Animal and Plant Health Agency, UK

3. Situation in the administrative field

No changes.

Changes in the Procedural and Protection System

No changes.

Statistics

In the period from January 1, 2017 to December 31, 2017:

- 30 applications have been received (26 national applications and 4 foreign), as follows:

- Apple (*Malus domestica* Borkh.) – 1
- Barley (*Hordeum vulgare* L.) – 1
- Blackberry (*Rubus fruticosus* L.) -1
- Durum wheat (*Triticum durum* Desf.) – 1
- European Plum (*Prunus domestica* L.) – 2
- Giant miscanthus (*Miscanthus giganteus* Greef et Deu) – 1
- Grapevine (*Vitis* L.) – 2
- Horse mint (*Mentha longifolia* L.) – 1
- Lavender (*Lavandula angustifolia* Mill.) – 1

Maize (*Zea mays* L.) - 3
Peppermint (*Mentha piperita* L.)- 1
Raspberry (*Rubus idaeus* L.) – 1
Sorghum almum (*Sorghum almum* Parodi) – 1
Soybean (*Glicine max* (L.) Merrill) – 1
Tibetan goji (*Lycium barbarum* L.) – 2
Tomato (*Solanum lycopersicum* L.) – 1
Walnut (*Juglans regia* L.) - 4
Wheat (*Triticum aestivum* L.) – 5

- 17 patents for plant varieties have been issued (14 national patents and 3 foreign), as follows:

Paulownia (*Paulownia Elongata* S. Y. Hu x *Paulownia Fortunei* (Seem.) Hemsl.) – 1
Strawberry (*Fragaria* L.) - 1
Sage (*Salvia sclarea* L..) - 2
Anise (*Pimpinella anisum* L.) - 1
Soybean (*Glycine max.* (L.) Merrill) - 2
Peas (*Pisum sativum* L.) - 2
Tomato (*Solanum lycopersicum* L.) - 5
Maize (*Zea mays* L.)- 2
Flint corn (*Zea mays var. indurata*) - 1

193 plant variety patents were valid on 12/31/2017.

4. Situation in the technical field

No changes.

5. Activities for the promotion of plant varieties protection

The Republic of Moldova participated in the UPOV PRISMA PBR Application Tool Project, being involved in the testing of the Version 1.1 of the EAF. The information about the UPOV PRISMA was displayed on the web site of the State Agency on Intellectual Property of the Republic of Moldova, published in the National Intellectual Property Bulletin and promoted during different meetings and seminars.

Publications

On a regular basis, AGEPI maintains the web site www.agepi.gov.md, where the national legislation in the field of plant varieties protection can be accessed, as well as the application form for a plant variety patent, and useful related information for applicants and breeders, available in Romanian, Russian and English languages.

[Annex XIII follows]

CZECH REPUBLIC

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1. Regular amendment of the national decree No. 449/2003 Col. – implementation of Commission Directives 2003/90/EC and 2003/91/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for DUS examining certain varieties.

1.2. Nothing to report – we follow the 1991 Act of the Convention

1.3. No case law

2. Cooperation in examination

The bilateral agreements on cooperation in DUS examination with Austria, Hungary, the Netherlands, Poland, Romania, Slovakia, and Slovenia continue unchanged. A scope of the CPVO entrustment for a technical examination has been modified slightly.

3. Situation in the administrative field

Nothing to report.

4. Situation in the technical field

Within the period from January 2017 to December 2017, 57 applications have been filed and 69 titles issued. 768 titles were in force and 134 applications pending on 31 December 2017.

5. Activities for the promotion of plant variety protection

No special events, regular discussions with breeders and other partners.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

13 experts successfully completed UPOV distance learning course DL-305B, 2 experts DL-305A.

Participation in TWA, TWV, TWC and BMT UPOV Technical Working Parties.

[Annex XIV follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

Ministerial Order No. 99/2017 modifying the *Ministerial* Order No. 1348/2005 for the approval of the Rules regarding the testing and registration of agricultural plants and Order No. 1349/2005 for the approval of the Rules regarding the testing and registration of vegetables.

This order are in compliance with the new EU Directive 2016/1914/EU from October 31, 2016 regarding testing and registration varieties.

2. Cooperation in examination

The cooperation with UKZUZ from Czech Republic in the field of DUS testing continued and the exchange of seed samples with other EU authorities also continued.

The sale of DUS technical reports to EU authorities or other European countries continued.

3. Situation in the administrative field

There were no changes in the administrative structure and procedure system.

At the DUS research centers the experimental agricultural machinery and laboratory equipment were completed.

4. Situation in the technical field

In 2017, in the field of testing, 708 varieties were tested: 547 agricultural plant species, 125 vegetable, 21 fruit trees, 7 vine and 8 ornamental varieties and 139 varieties were registered in our national Official Catalogue: 100 varieties of agricultural plant species, 29 vegetables, 6 fruit trees, 3 ornamental varieties and 1 vine.

In addition for PBR, 38 applications for protection, 38 protection titles were issued and 365 titles in force.

[Annex XV follows]

SERBIA
(September 2017 - September 2018)

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

There were no changes.

1.2 Extension of protection to further genera and species (made or planned)

There were no changes.

All plant genera and species are subject to protection under the Law on the Protection of Plant Breeders Rights ("Official Gazette of RS", No. 41/2009 and 88/2011).

2. Cooperation in examination

3. Situation in the administrative field

- Changes in the administrative structure

There were no changes in the administrative structure.

According to the Law on Ministries ("Official Gazette of the Republic of Serbia", No.62/2017), designated authority for the protection of the plant breeders' rights in the Republic of Serbia is the Ministry of Agriculture, Forestry and Water Management (MAFWM) - Plant Protection Directorate (PPD). Plant Protection Directorate (PPD) as an administrative authority within the MAFWM performs tasks related to: protection of plants against harmful organisms; authorization and control of plant protection and plant nutrition products; plant variety registration for National List; protection of plant breeders' rights; biological safety (GMO); phytosanitary inspections and other related tasks. Within Plant Protection Directorate, Group for Plant Variety Protection and Biosafety exercises administrative procedures related to provisions of the Law on Protection of Plant Breeders Rights and to granting of plant breeders rights, also as tasks related to GMO.

- Changes in office procedures and systems

There were no changes.

4. Situation in the technical field

PVP registers and other information are available on the web page of the MAFWM - PPD:
http://www.uzb.minpolj.gov.rs/index.php?option=com_content&view=article&id=61&Itemid=14&lang=en

5. Activities for the promotion of plant variety protection

At 94th Session of Consultative Committee, held on October 25, 2017 in Geneva, delegation of the Republic of Serbia had pleasure to make presentation on situation and progress on the implementation of the UPOV system in the Republic of Serbia, after five years of membership in UPOV.

In 2017 Serbia has started to participate in the UPOV PRISMA PBR Application Tool, as the way to improve system of PVP in Serbia.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Information related to registration (approval) of plant varieties for the National List of Plant Varieties of the Republic of Serbia, are available on the web pages of the Ministry of Agriculture, Forestry and Water Management - Plant Protection Directorate: <http://www.uzb.minpolj.gov.rs/index.php?lang=en>

[Annex XVI follows]

SWITZERLAND

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendment of the law and implementing regulations

No amendments have been made to legal bases in the area of plant variety protection over the past year.

1.2 Extension of protection to additional genera and species

In Switzerland, all genera and species may be protected.

1.3 Case law

To our knowledge, no rulings concerning plant variety protection have been handed down over the past year.

2. Cooperation in examination

No changes. No trials are conducted in Switzerland.

All examinations are done abroad under contract, or alternately, existing examination reports are taken on board.

3. Situation in the administrative field

The UPOV PRISMA electronic platform can be used to register varieties for the purpose of plant variety protection.

4. Situation in the technical field

Nothing to report since no trials are conducted in Switzerland.

5. Activities for the promotion of plant variety protection

Nothing to report.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

No relevant decisions have been taken.

[Annex XVII follows]

ANNEX XVII

UKRAINE

I. Plant variety protection

1. Situation in the legislative field

1.1 Changes in legislation and in the application of legal norms

The Law of Ukraine “On Amendments to Certain Laws of Ukraine Relating to Bringing Ukrainian Legislation on Seeds and Seedlings in Compliance with European and International Norms and Standards” dated 08.12.2015 No. 864-VIII, came into force on June 30, 2016.

2. Cooperation in examination

Ukraine exchanged the DUS-test results during 2017 (information by botanical taxa is attached). Ukraine has used the reports of DUS-test of the following countries: the Czech Republic, the Netherlands, Germany, Denmark, Spain, France, Hungary, Romania, Slovakia, the Russian Federation, and provided reports to the Russian Federation, Serbia and Turkey.

Ukraine has practical experience and conducts field test for DUS for 41 species, the list of that species was changed in 2016, which have been applied in practice since 2017.

3. Situation in the administrative field

No changes.

4. Situation in the technical field

In 2017, 2 National Test Guidelines are developed for the following species: *Papaver orientale* L. and *Eragrostis tef* (Zuccagni) Trotter.

5. Activities for the promotion of plant varieties protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
Plant Varieties Studying and Protection» Print ISSN 2518-1017 Online ISSN 2518-7457 № 1, 2, 3, 4, volume 13? 2017 http://journal.sops.gov.ua/	quarterly	Kiev, Ukraine	Ukrainian Institute for Plant Variety Examination, Plant Breeding & Genetics Institute – National Center of Seeds and Cultivar Investigation of NAAS, Institute of Plant Physiology and Genetics, National Academy of Sciences of Ukraine	publications on plant variety studying and science, genetics, breeding and seed production, plant physiology, biotechnology and biosafety, plant production, plant variety market, plant varieties protection, international cooperation, information systems and technologies, young scientist's view, history of science, anniversaries	Ukraine, Bulgaria	

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
Bulletin «Plant Varieties Protection», № 1, № 2, № 3, № 4, 2017	quarterly	Kiev, Ukraine	Ukrainian Institute for Plant Variety Examination	Bulletin issued pursuant to the Law of Ukraine "Plant Varieties Protection" for the purpose of official information activity in the field of plant variety rights and implementation of Ukraine's international obligations arising from its membership in the International Union for the Protection of New Varieties of Plants (UPOV)	Ukraine	
III International Applied Research Conference on World Plant Resources: Current State and Development Prospects	June 7, 2016	Kiev, Ukraine	Ukrainian Institute for Plant Variety Examination	Coverage of theoretical and practical issues related to world plant resource. Consideration of current issues of plant variety rights and historical aspects, the issue of selection expertise and issue of market plant varieties.	Ukraine, Moldova, Belarus, Azerbaijan, Russia (254 participants)	published a collection of conference materials
International Applied Research Conference on "Current State and Harmonization of the Cultivated Plant Denominations in the frame of UPOV system"	October 13, 2017	Kiev, Ukraine	Ukrainian Institute for Plant Variety Examination	Discussion of questions on the harmonization of the botanical taxa denomination in the Ukrainian and Latin languages with the participation of scientific institutions of Ukraine (M.G, Holodny Institute of Botany, National Academy of Sciences of Ukraine, National University of Life and Environmental Sciences of Ukraine, M.M. Gryshko National Botanic Garden, Sofiyivka National Dendrology Park of the NAS of Ukraine, Uman National University of Horticulture and etc.)	Ukraine, Moldova, Belarus, (up to 60 participants)	published a collection of conference materials
Round table "Ukraine in the process of change: Registration of rights to plant varieties"	December 11, 2017	Kiev, Ukraine	Association "Ukrainian Agribusiness Club", Embassy of the Kingdom of the Netherlands in Ukraine, Ministry of Agrarian Policy and Food of Ukraine, Ukrainian Institute for Plant Varieties Examination	Exchange information on the registration and examination of plant varieties in Ukraine and the Netherlands, discussion of the current state in Ukraine	Ukraine (Ukrainian Institute for Plant Variety Examination), the Netherlands, (up to 30 participants)	
Round table "Ukraine and the Netherlands. Experience and prospects of cooperation in the examination of plant varieties"	December 12, 2017	Kiev, Ukraine	Ukrainian Institute for Plant Variety Examination	Exchange of experience in registration, examination of plant varieties of Ukrainian Institute for Plant Variety Examination and Naktuinbouw	Ukraine, the Netherlands (up to 60 participants)	

II. RELATED FIELDS OF ACTIVITIES OF INTEREST TO UPOV

Statistical data on plant variety protection in Ukraine during 2001-2017 is sent by email to UPOV along with this report.

[Annex XVIII follows]

EUROPEAN UNION

Period: July 2017 - July 2018

(Report prepared by the European Commission in close relation with the Community Plant Variety Office)

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.0 General

1.1 Amendment of the law and the implementing Regulations: No amendments to legislation.

1.2 Extension of protection to further genera and species No amendments to scope of protection.

1.3 Case law

a) *Judgment of the General Court of 23 November 2017 in Case T-140/15, Aurora Srl vs CPVO – SESVanderhave (Sugar beet variety 'M02205'). The General Court annulled the decision of the Board of Appeal of the CPVO in Case A 010/2013 of 26 November 2014.*

The General Court found that in the nullity proceedings the applicant delivered sufficient elements for the Board of Appeal (BoA) to review the case instead of basing its decision only on the declarations of the expert of the Examination Office. The Board of Appeal should have verified the source of the notes of expression in order to ascertain whether the candidate variety was distinct from the reference variety.

b) *Judgment of the General Court of 23 February 2018 in Case T-445/16, Schniga GmbH vs CPVO (apple variety 'Gala Schnico'). The General Court dismissed the action in its entirety and confirmed the decision of the BoA in Case A 005/2014 of 22 April 2016.*

Schniga GmbH brought an action before the General Court claiming to annul the Decision of the Board of Appeal of the CPVO concerning an application for a Community Plant Variety Rights in respect of the apple variety 'Gala Schnico'.

The General Court confirmed that GEVES has been entrusted to carry out the technical examination of mutation varieties of the species *Malus domestica Borkh* since, according to the experts on fruit varieties consulted by the CPVO, the climatic conditions typically found on the GEVES site argued in favour of clustering of technical examinations for Gala mutants on that site.

As regards the submission of plant material for testing, the Court stated that it is the responsibility of the applicants for plant variety rights to submit grafting material of sufficient quality.

The General Court dismissed the action and ordered Schniga GmbH to pay the costs under Article 134(1) of the Rules of Procedure.

The full text and a summary of the judgements can be found here: <http://cpvo.europa.eu/en/about-us/law-and-practice/pvr-case-law-database>.

2. Cooperation in examination

2.1 Conclusion of new agreements

After having received the consent of the CPVO's Administrative Council in March 2018 the CPVO concluded the following agreements:

- Israeli Office – Plant Breeders Rights Unit of the Israeli Ministry of Agriculture to take over DUS reports for the species *Jacaranda mimosifolia D. Don* and *Magnifera indica L.*;

- New Zealand Office (MBIE/ PBR Office) to take over DUS reports for *Grevillea alpine Lindl.* X *G. rosmarinifolia A. Cunn.*

Both agreements are valid for 3 years.

2.2 Amendment of existing agreements: Nothing to report.

2.3 Memorandum of Understanding with third countries: see under 2.1, in addition nothing to report.

3. Situation in the administrative field

Changes in the administrative structure: Nothing to report.

Changes in office procedures and systems

The new CPVO online application tool was released in June 2018, further enhancing exchanges with applicants. The tool is also integrated with examination offices in member states, allowing sharing of applications between the CPVO and the pilot examination offices (the Netherlands and France).

In the same vein, work is nearing completion for the integration with the UPOV PRISMA tool¹, and it is expected that the system will be up and running for a number of crops.

The CPVO continues working on exchanging data with other organisations and is currently finalising a project for exchange with the European Patent Office.

4. Situation in the technical field

4.1 Information concerning the functioning of the EU Plant Variety Protection

a. *Relation with Examination Offices*

In December 2017, the CPVO held its 21st annual meeting with its examination offices and the Commission, which was also attended by representatives from the UPOV Office, the Swiss PVP Office, and the breeders' organisations. The main subjects of discussion were:

- Cooperation with Examination Offices outside the EU
- Use of all notes for quantitative characteristics where the states of expression are presented in an abbreviated form
- Revision of the CPVO Technical Protocol Template
- Access to DUS trials for inspection and sample taking (revision of doc: MEO/12/04-3 as revised through Rev. MEO16-5.1)
- Publication of official variety descriptions of parental lines
- Hybrid varieties: no parental formulas to mention in view of the potential publication of hybrid variety descriptions
- Revision of the Explanatory Notes to the CPVO Variety Denominations Guidelines
- R&D update
- Sharing online application system link to UPOV PRISMA
- Cost calculation exercise
- Upfront payment of examination fees to Examination Offices
- Access to Technical Questionnaire data on TLO website
- Assistance of CPVO to Examination Offices to obtain reference varieties
- Invasive plant species

¹ This allows submission of applications and the integration of an XML (machine to machine) format for exchanges of PVR information.

b. Preparation of CPVO protocols

In 2017/2018, experts from the Member States' examination offices were invited to participate in elaborating or revising technical protocols for DUS testing which either were subsequently approved by the Administrative Council or can be expected to be approved in 2018. The following experts' meetings were held to discuss the technical protocols of:

- Agricultural crops:
 - 2016: Cotton, Common vetch
 - 2017: White Mustard, Fodder Radish, Soya bean, Kentucky bluegrass, Potato
- Vegetable crops: lettuce, leaf chicory, industrial chicory, tomato, tomato rootstock.
- Ornamental crops: no protocols
- Fruit crops: Japanese plum.

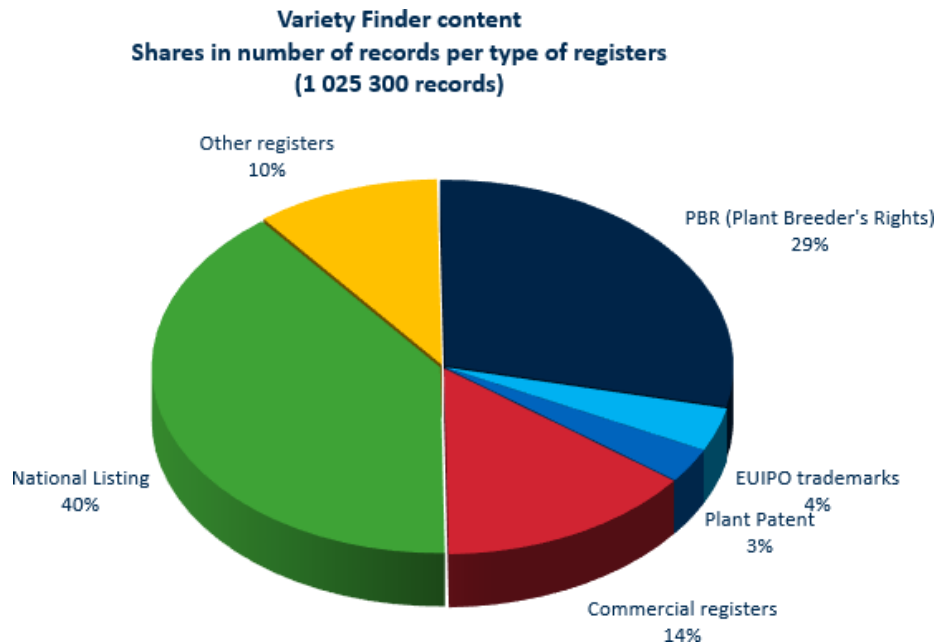
c. Further development of the CPVO Variety Finder

Maintained and developed by the CPVO since 2005, the web-based CPVO Variety Finder database contains information on registers of more than 60 countries with a general search tool. It also includes a similarity search tool to test the suitability of variety denominations.

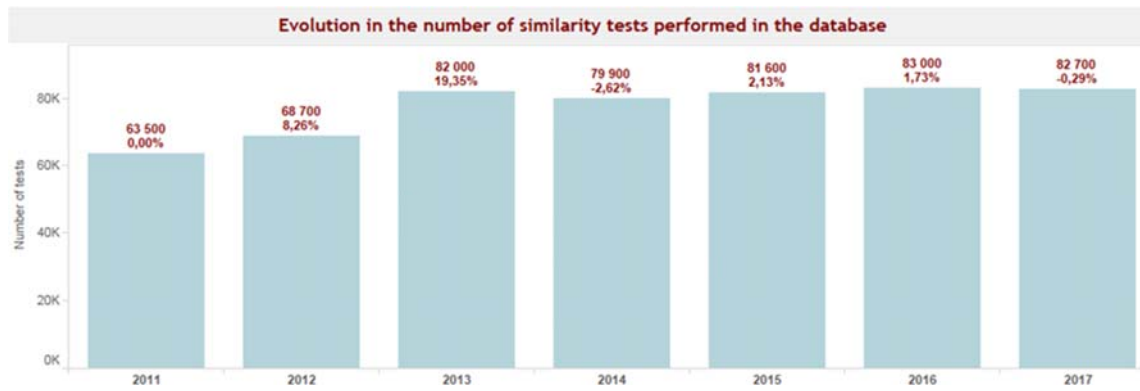
The general principle is an update of the database as soon as data are officially published. A memorandum of understanding has been signed with UPOV to share the task of collecting data from EU and non-EU countries and to ensure a regular data exchange.

In total, more than 1 million records originating from EU Member States and UPOV countries have so far been included in the Variety Finder.

The graph below shows an overview of the content of the database with the number of records per type of register.

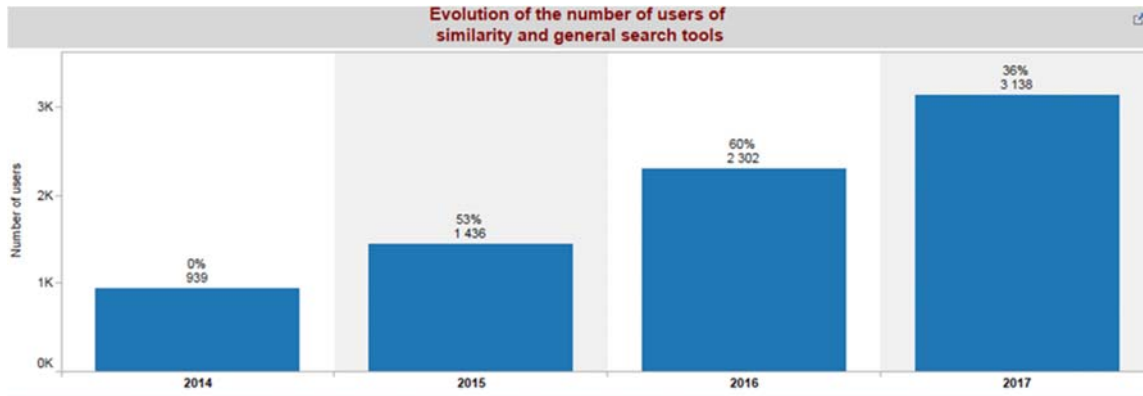


For the last 10 years, the use of Variety Finder has constantly increased, CPVO clients representing the biggest group of users with more than 50% tests of similarity launched. Around 80,000 denomination's similarity tests are launched every year.



Over the last years, the number of users (national authorities, CPVO clients for CPVR and the general public) has constantly increased as it is illustrated on the graph below with a 36% increase in the number of users in 2017 compared to 2016.

The developments of the retrieval tool allowing general searches in the database developed in 2016 contributed to a large extent to these positive figures.



Since 2016, the CPVO has been involved in a new project in cooperation with the European Commission to investigate on possibilities to develop a unique EU IT system on plant varieties for the purpose of updating the CPVO Variety Finder on the one hand and implementing the Directives on marketing plant reproductive material on the other hand.

The first meeting of the Working Group, composed of EU Members States, examination offices and breeders, took place in Brussels in March 2017.

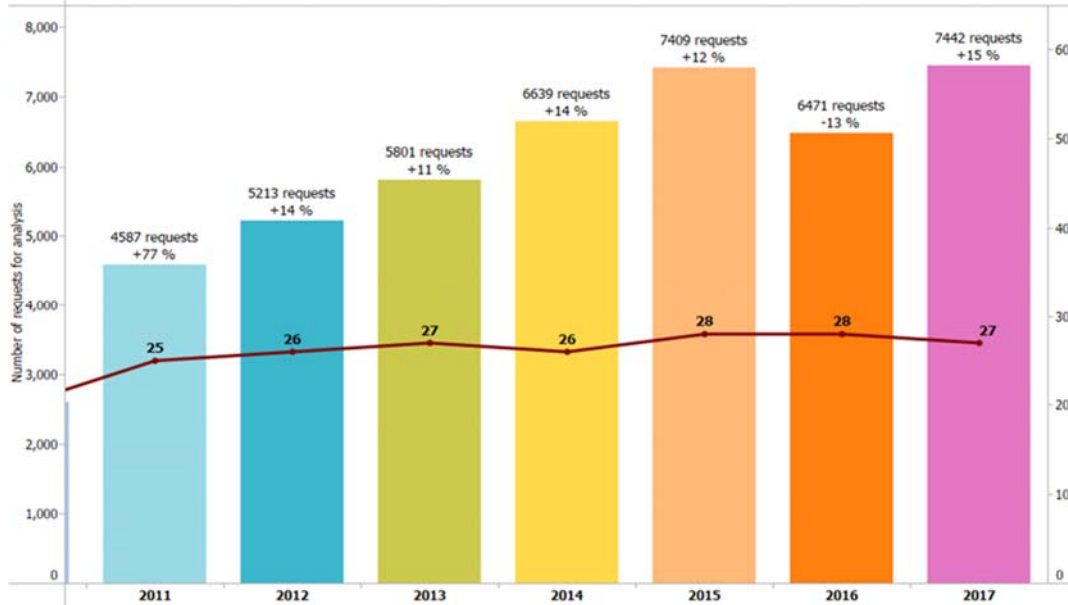
The main items of discussion were to present the functionalities of this future IT system and to reflect on the needs for the content.

As a follow up of this first meeting, the CPVO produced an overview of information currently requested for the contributions to the EU Common Catalogues of Varieties of Agricultural and Vegetable Plant Species, CPVO Variety Finder (including UPOV needs for the PLUTO database) and FRUMATIS database.

A large consultation at EU level was organized in 2017. Within another meeting of the working group in March 2018 conclusions were drawn as regards the content of the future system.

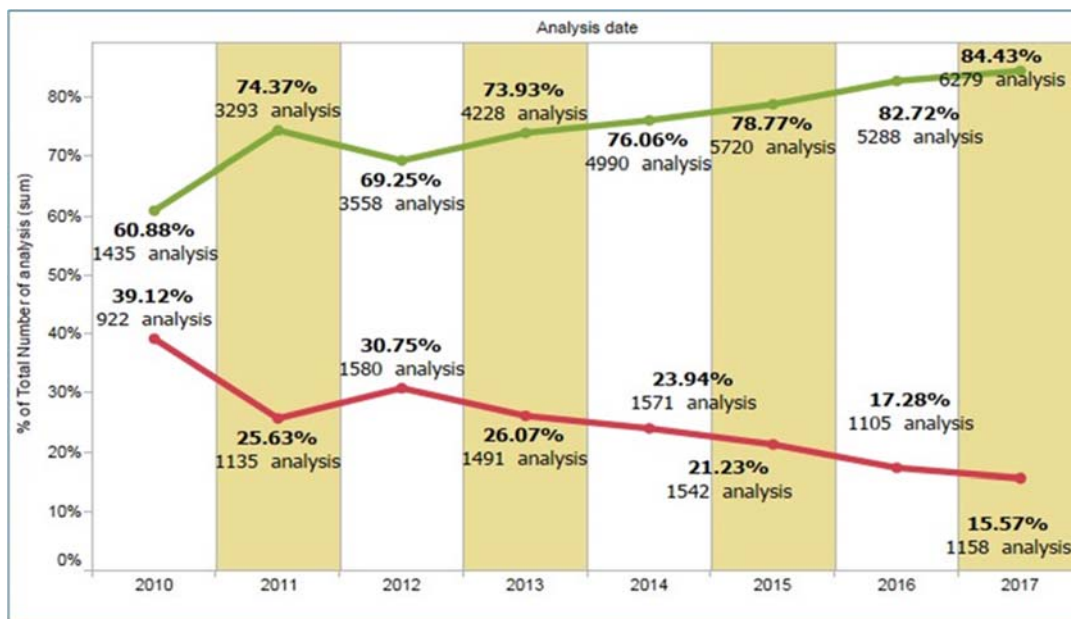
d. Cooperation in denomination testing with EU Member States

Number of requests for advice received and contributing national authorities (2011-2017)



After the drop observed in 2016, 2017 exceeded the record level of 2015 with more than 7440 requests for opinion received. The active use of the service facilitates the information exchanges between the EU Member States, CPVO and other national authorities. This cooperation contributes to enhance the clarity, the transparency and the quality of the information available in Variety Finder and aims at a convergent interpretation of the rules on the variety denominations.

Share in the number of observations (red) or no observations (green) made by the CPVO on variety denomination proposals submitted by the national authorities in the framework of the cooperation service (2010-2017)



The average processing time was a half day (Monday-Friday only), a response rate that can be considered most satisfactory as it does not delay the internal procedures of the users. In this regard, it is important to emphasise that the relevance of the analysis provided by CPVO also relies on the quality and the completeness

of the additional information provided by the users at the time they submit their proposals. Moreover, the sharing of information between CPVO and national authorities plays a major role in the processing time and often prevent unnecessary observations.

The graph above illustrates the regular decrease in the number of observations which reflects the progressive awareness of these aspects and also shows the benefit of having a common interpretation of the rules on the variety denominations. In 2017, the number of observations continued to drop and fell below 16%.

e. *Revision of the Explanatory Notes to the CPVO Variety Denomination Guidelines*

The Administrative Council of CPVO agreed, in October 2015, on the establishment of a Working Group to discuss and prepare the revision of the current Explanatory Notes on Variety Denominations of 2012 and to consider whether such amendments would have an impact on the Guidelines currently in force and on the Commission Regulation (EC) No 637/2009 establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species. This decision was triggered by the increasing number of situations where the actual Explanatory Notes do not provide a clear guidance. The aim was to reach a higher clarity for stakeholders, harmonization and predictability of decisions on variety denominations.

The breeders' organizations as well as other participants in the meeting expressed the wish to have more flexibility in the rules for the acceptance of variety denominations. Also interest for an effective harmonisation among UPOV, CPVO and INCP was expressed. A revised version of the Guidelines with Explanatory Notes was presented to the Administrative Council in the March meeting of 2018 with the following major changes:

The Explanatory Notes have been reformulated with the aim to reach a more detailed approach in order to clarify the practice of CPVO on most recurrent cases when assessing the suitability of denomination proposals. This will improve the predictability and consistency of CPVO's practice and decisions on variety denominations while increasing transparency in the decision making process of the Office.

The amendment of the Guidelines on Article 63 of Council Regulation (EC) 2100/94 on Community plant variety rights clarifies a certain number of general principles, simplifies and standardizes the applicable rules through the removal of the distinction between fancy names and codes, sets out clearly the principle of the three criteria assessment (visual, phonetic and conceptual), includes updates related to the protected geographical indications legislation and takes into consideration additional official registers (FRUMATIS, the common catalogue of vine varieties). It also adopts a more flexible approach in the interpretation of certain criteria considering that the Guidelines are mainly intended for a professional audience.

The proposed amendments to the Guidelines have an impact on the Commission Regulation 637/2009 and therefore the Commission will implement the proposed amendments to the Guidelines in the Commission Regulation. The entry into force of the new CPVO Guidelines is subject to the amendment of Regulation No 637/2009.

4.2 Crop experts meetings

A meeting of vegetable experts was held on 13-14 September 2017 to discuss:

- Creation of new and revisions to several vegetable technical protocols;
- Aberrant phenotype plants in cauliflower ;
- Naming of variety types in pepper;
- Continuing discussions on disease resistance testing issues;
- Interpretation of responses on breeding background in the lettuce technical questionnaire;
- Update on the Brexit situation;
- Situation on on-going and future R&D projects in vegetables, including those under IMODDUS.

A meeting of agricultural experts was held on 17 and 18 October 2017 to discuss:

- Revisions to several technical protocols and new technical protocols;
- Potentially new characteristics in DUS test Oilseed rape;
- Uniformity standard in Triticale;
- Maize: Breeders participation system in Italy;
- Additional characteristics;

- Re-submission of seed samples;
- Situation on ongoing and future R&D projects in the agricultural sector.

A meeting of fruit experts was held on 14 – 15 February 2018 to discuss among others:

- Challenges in the DUS trial of some apple mutation groups;
- Status and use of the reserve plants in the fruit sector;
- Registration of interspecific and complex hybrids in contract;
- Organization of the DUS testing for blueberries;
- Duration of test in the fruit sector;
- Phytosanitary matters;
- Possibilities to store DNA extracted from the fruit varieties;
- R&D projects for fruit crops;
- EU legislation and implementation of Directive 2008/90; exchange of experience from experts.

A meeting of ornamental experts was held on 29-30/05 in Budapest (Hungary) to discuss:

- Items linked to the technical examinations (such as the assessment of the uniformity for variegated plants, the status of the reserve plants, the unrelated plants, the influence of the environment of the expression on the DUS characteristics, ...);
- The registration of interspecific and complex hybrids in the contract.
- The invasive alien species;
- The criteria to decide to grow a living collection or not;
- The minimum distance project.

4.3 Quality Audit Service (QAS)

Within CPVO's assessment programme 10 audits of examination offices were carried out. These included regular triennial audit visits as well as one assessment in response to a scope extension request.

The CPVO Administrative Council accepted the entrustment recommendations as provided at its meetings in October 2017 and March 2018.

As a consequence of the triennial assessment cycle coming to an end in December 2018, the Quality Audit Service launched in June 2018 a call for tender to renew the list of technical experts from the EU to take part in assessment work for the next cycle 2019-2021. The list to be proposed by Quality Audit Service is expected to be approved in the CPVO Administrative Council in September 2018.

As part of the cost sharing approach adopted for the audit programme as of 2016, one third of the triennial audit fee was charged to the entrusted examination offices in the beginning of 2018.

5. Activities for the Promotion of Plant Variety Protection

CPVO Strategy for international cooperation

The CPVO strategy for international cooperation of 2014 was reviewed and adopted by the Administrative Council on 4 October 2017 in the light of the EU trade policy in the field of intellectual property rights in order to support the external dimension of EU policies. This new strategy aligns the objectives of the CPVO with the European Commission communication on Trade, Growth and Intellectual Property — Strategy for the protection and enforcement of intellectual property rights in third countries (non-EU countries) (the 'EU strategy'). The CPVO, together with the Commission services, the EU Member States and other international organizations, is working outside the EU in an effort to strengthen the CPVR IP-protection system. The key elements of this cooperation are the exchange of knowledge, and the support of EU users on registration and enforcement overseas, in cooperation with the EU Member States, so that European breeders can count on effective tools and practices that facilitate their access to emerging markets.

EAPVP

On 11 September 2017, the East Asia Plant Variety Protection Forum (EAPVP) held its 10th annual meeting in Myanmar with the participation of representatives of Association of South-East Asian Nations (ASEAN)

countries and China, Japan, Republic of Korea and the International Union for the Protection of New Varieties of Plants (UPOV). The CPVO participated as observer and made a presentation.

On 12 September 2017, the government of Myanmar with the support by Japan organised the national awareness raising seminar for Myanmar. The main topic was the impact of plant variety protection on the development of agriculture and implementation of the UPOV system of plant variety protection. The CPVO participated in this seminar outlining the structure and benefits of EU plant variety protection system.

CPVO – European Patent Organisation

The CPVO organised a joint-conference with the European Patent office (EPO) 'Supporting innovation in the plant sector' in Brussels on 29 November 2017. The CPVO attended a meeting with the ESA and EPO in Warmenhuizen/the Netherlands on 17 April 2018.

OAPI

As part of the initiative launched by the Organisation Africaine de la Propriété Intellectuelle (OAPI) to raise awareness for the potential contribution plant variety protection could have in enhancing the seed sector in the region, a 3-day seminar was organised in Dakar jointly with the government of Senegal and UPOV. The seminar addressed stakeholders from Senegal and neighbouring countries and was facilitated by the Agricultural Research Institute (ISRA). This was the third seminar in the region as part of the road map designed to improve the plant variety protection system. OAPI member states have the long-term aim of boosting agricultural productivity through new and improved plant varieties. The roadmap is the core of a project for which a funding by the EU Commission has been confirmed and is awaited in 2018. A meeting was held 2-4 May 2018 with UPOV, OAPI and CPVO at the headquarters of OAPI Yaoundé planning the implementation of the OAPI Roadmap on plant variety protection.

ARIPO

The CPVO attended the 41st session of the Administrative Council of the African Regional Intellectual Property Organisation (ARIPO) on 20 November 2017, held in Lilongwe, Malawi, where the regulations for the implementation of the Arusha protocol for the protection of new varieties of plants have been adopted. Following that adoption, the CPVO and the ARIPO formalized their cooperation on capacity building by signing an Administrative Agreement in Geneva on 15 December 2017. The major cooperation activities to be performed under this arrangement would contribute to support ARIPO's capacity building and technical cooperation on issues relevant in the area of plant variety protection. Another area of cooperation identified under the arrangement is the organisation of joint awareness and sensibilisation programmes on the development of a legal and administrative plant variety rights system and its enforcement.

Training

CPVO supports the EU funded research joint doctorate EIPIN-Innovation Society and attended the EIPIN joint doctorate under Horizon 2020 Marie Skłodowska Curie Action and participated to the Supervisory Board meeting in Maastricht (the Netherlands) on 5 and 6 October 2017.

CPVO presented the CPVR system at the Plant Variety Protection Course in Wageningen on 25 and 26 June 2018. The CPVO attended the IP Rights' specialized Master Magister Lucentinus of the University of Alicante on 8 and 9 November 2017 and made a presentation on the CPVR system.

CPVO attended and gave a presentation at the workshop for Spanish Judges 'Jornadas de Especializacion en Proteccion Juridica de Obtenciones Vegetales – Universidad de Alicante' in Alicante (Spain) on 14 and 15 June 2018.

India

CPVO participated in the Workshop 'India-EU collaboration in Seed Sector Development and PVP' in the framework of the EU funded project IPC-EUI in India, New Delhi on 22 and 23 February 2018 and attended the Study visit of Dr. Prabhu, chairperson of the Indian PPV & FR Authority to Germany and the Netherlands in Roelofarendsveen on 7 and 8 June 2018.

China

At the occasion of the 9th National Forum on Agricultural Intellectual Property in Qingdao, China, on 15 November 2017, CPVO signed an administrative arrangement (AA) with the two Chinese PVP authorities. The Administrative Agreement focuses on exchange and cooperation in administrative and technical matters in the context of increasing demand for plant variety protection in China. The number of applications that are close to the ones received by the CPVO and the increasing number of botanical taxa covered by the protection system require the creation of additional DUS test capacity. Therefore many of the activities planned under

the Administrative Agreement aim to increase the throughput by enhancing the efficiency and qualifying new DUS examination centers.

Breeder's organisations

The CPVO attended the ESA Annual meeting in Riga on 10 October 2017 and the annual meeting of CIOFORA in Ghent in April 2018. Within the CIOFORA the CPVO also attended the CIOFORA Public Conference 'Technical and Legal Aspects of Biotechnology in Ornamentals and Fruits' in Ghent on 26 April 2018.

5.2 Visits to and from non-EU Member States and organisations

During the reporting period the CPVO had the honor to receive the following high level visits:

- 2017 06 28 Visit Chinese delegation
- 2017 08 16 Visit Delegation of the Thailand's PVP Office, Department of Agriculture
- 2017 08 24 Visit Delegation from Mexico (meeting took place in the Netherlands)
- 2018 03 15 Visit Delegation from Canada (seed producers)
- 2018 03 16 Visit from the Japanese IP Division & PVP Office
- 2018 06 25 Visit of a Chinese delegation in the framework of the IPKey Project

During the reporting period the CPVO attended the following meetings outside the EU (without UPOV TWPs):

- 2017 11 13 Mission to China
- 2017 11 18 Governing Bodies meeting and Council of ARIPO, Lilongwe, Malawi
- 2018 02 22 Int'l Workshop on India - EU Collaboration, Delhi, India
- 2018 03 05 Plant variety protection Seminar, Japan
- 2018 05 02, Meeting with OAPI, Yaoundé, Cameroon

5.3 Participation in international fairs and open days

In January 2018 CPVO attended the 'IPM' in Essen, Germany, the world biggest fair for ornamental plants. The stand was shared with colleagues from the Bundessortenamt, GEVES, Naktuinbouw and NIAB.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

On 25 July 2018 the Court of Justice of the European Union (CJEU) delivered a preliminary ruling^[1] on the status of organisms produced by new mutagenesis techniques in relation to the legislation on genetically modified organism (GMO) (Directive 2001/18/EC). The CJEU concluded that the exemption applicable to organisms obtained by mutagenesis only applies to organisms obtained by mutagenesis techniques/methods which have been conventionally used in a number of applications and that have a long safety record. Therefore, the obligations of the GMO legislation apply to the organisms obtained by mutagenesis techniques/methods that have emerged since the adoption of the Directive 2001/18.

The CJEU clarified that such conclusion applies also to varieties obtained by means of techniques/methods of mutagenesis for the purpose of their acceptance for inclusion in the Common Catalogues of varieties of agricultural plant species under Directive 2002/53: only varieties obtained by mutagenesis techniques/methods which have been conventionally used in a number of applications and that have a long safety record are exempt from the obligations of Article 4(4) of Directive 2002/53.

[End of Annex XVIII and of document]

^[1] Case C-528/16 Confédération paysanne and others.