

Council**C/53/9 Rev.****Fifty-Third Ordinary Session
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**REPORT BY THE PRESIDENT ON THE WORK OF THE NINETY-SIXTH SESSION OF THE
CONSULTATIVE COMMITTEE; ADOPTION OF RECOMMENDATIONS, IF ANY, PREPARED BY
THAT COMMITTEE***as presented during the fifty-third ordinary session of the Council**Disclaimer: this document does not represent UPOV policies or guidance*

1. The Consultative Committee held its ninety-sixth session in Geneva on October 31, 2019, and on the morning of November 1, 2019.
2. The recommendations made by the Consultative Committee on the following items, as set out in this report, will be considered by the Council under the relevant agenda items (see document C/53/1 Rev.3):
 - (a) Examination of the conformity of the Draft Law of Mongolia on Crop Seed and Variety with the 1991 Act of the UPOV Convention (document C/53/11)
 - (b) Examination of the conformity of the Draft Plant Variety Protection Act of Afghanistan with the 1991 Act of the UPOV Convention (document C/53/12)
 - (c) Developments on Book Four "Plant Varieties" of Law Pertaining to the Protection of Intellectual Property Rights of Egypt (document C/53/13)
 - (d) Developments on the New Plant Variety Protection Law of Myanmar (document C/53/14)
 - (e) Adoption of documents (document C/53/3)
 - (f) Financial statements for 2018 (document C/53/5)
 - (g) Arrears in contributions as of September 30, 2019 (document C/53/INF/2)
 - (h) Report of the External Auditor (document C/53/6)
 - (i) Examination and approval of the Draft Program and Budget for the 2020-2021 Biennium (document C/53/4)
 - (j) Calendar of meetings (document C/53/8)
 - (k) Press release (document C/53/10)
3. The work of the Consultative Committee at its ninety-sixth session is summarized in the following paragraphs.

Preliminary examination of the conformity of the Draft Law of Mongolia on Crop Seed and Variety with the 1991 Act of the UPOV Convention

4. The Consultative Committee recommended to the Council to:
- (a) take note of the analysis in document C/53/11;
 - (b) take a positive decision on the conformity of the relevant parts of the Draft Law of Mongolia on Crop Seed and Variety ("Draft Law") with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which would allow Mongolia once the relevant parts of the Draft Law were adopted with no changes and the Law in force, to deposit its instrument of accession to the 1991 Act; and
 - (c) authorize the Secretary-General to inform the Government of Mongolia of the above decision.

Preliminary examination of the conformity of the Draft Plant Variety Protection Act of Afghanistan with the 1991 Act of the UPOV Convention

5. The Consultative Committee recommended to the Council to:
- (a) take note of the analysis in document C/53/12;
 - (b) take a positive decision on the conformity of the "Draft Plant Variety Protection Act of Afghanistan" ("Draft Law") with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which would allow Afghanistan once the Draft Law was adopted with no changes and the Law in force, to deposit its instrument of accession to the 1991 Act; and
 - (c) authorize the Secretary-General to inform the Government of Afghanistan of the above decision.

Developments on Book Four "Plant Varieties" of Law Pertaining to the Protection of Intellectual Property Rights of Egypt

6. The Consultative Committee recommended to the Council to:
- (a) note that certain provisions of Book Four "Plant Varieties" of Law Pertaining to the Protection of Intellectual Property Rights, as last amended in 2019, contained changes in relation to the text of the corresponding provisions of the Draft Law submitted to the Council in 2015 (see document C(Extr.)/32/10 "Report", paragraph 11, and paragraph 2 of document C/53/13);
 - (b) agree that the changes introduced in Book Four "Plant Varieties" of Law Pertaining to the Protection of Intellectual Property Rights", as last amended in 2019, presented in document C/53/13 and its Annex II and III, did not affect the substantive provisions of the 1991 Act of the UPOV Convention and, subject to that agreement,
 - (c) reaffirm the decision on conformity of March 27, 2015, and inform the Government of Egypt that the instrument of accession of Egypt could be deposited.

Developments on the New Plant Variety Protection Law of Myanmar

7. The Consultative Committee recommended to the Council to:
- (a) note that the New Plant Variety Protection Law of Myanmar, which had been adopted by the Parliament on September 17, 2019, and published in the Official Gazette on September 24, 2019, contained changes in relation to the text of the Draft Law presented to the Council in 2017 (see document C/51/22 "Report", paragraph 17, and paragraph 2 of document C/53/14);
 - (b) agree that the changes, as presented in document C/53/14 and its Annex II, did not affect the substantive provisions of the 1991 Act of the UPOV Convention and, subject to that agreement;
 - (c) reaffirm the decision on conformity of October 26, 2017, and inform the Government of Myanmar that the instrument of accession of Myanmar could be deposited.

Documents proposed for adoption by the Council

8. The Consultative Committee considered document C/53/3 in conjunction with the conclusions of the Technical Committee (TC) at its fifty-fifth session, held in Geneva on October 28 and 29, 2019 (see document TC/55/25 "Report") and the conclusions of the Administrative and Legal Committee (CAJ) at its seventy-sixth session, held in Geneva on October 30, 2019 (see document CAJ/76/9 "Report").

TGP documents

TGP/7: Development of Test Guidelines (Revision) (document TGP/7/7 Draft 1 Rev.)

9. The Consultative Committee recommended to the Council to adopt a revision of document TGP/7 "Development of Test Guidelines" (document TGP/7/7), on the basis of document TGP/7/7 Draft 1 Rev.

TGP/8: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability (Revision) (document TGP/8/4 Draft 1)

10. The Consultative Committee recommended to the Council to adopt a revision of document TGP/8 "Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability" (document TGP/8/4), on the basis of document TGP/8/4 Draft 1.

TGP/10: Examining Uniformity (Revision) (document TGP/10/2 Draft 1)

11. The Consultative Committee recommended to the Council to adopt a revision of document TGP/10 "Examining Uniformity" (document TGP/10/2), on the basis of document TGP/10/2 Draft 1.

TGP/14: Glossary of Terms Used in UPOV Documents (Revision) (document TGP/14/4 Draft 1)

12. The Consultative Committee recommended to the Council to adopt a revision of document TGP/14 "Glossary of terms used in UPOV documents" (document TGP/14/4), on the basis of document TGP/14/4 Draft 1.

TGP/15: Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS) (Revision) (document TGP/15/2 Draft 2)

13. The Consultative Committee recommended to the Council to adopt a revision of document TGP/15 "Guidance on the use of Biochemical and Molecular Markers in the examination of Distinctness, Uniformity and Stability (DUS)" (document TGP/15/2), on the basis of document TGP/15/2 Draft 2.

TGP/0: List of TGP documents and latest issue dates (Revision) (document TGP/0/11 Draft 1)

14. The Consultative Committee recommended to the Council to adopt a revision of document TGP/0 "List of TGP documents and latest issue dates" (document TGP/0/11) on the basis of document TGP/0/11 Draft 1.

Information documents

UPOV/INF/5: UPOV Model Plant Breeders' Rights Publication (Revision) (document UPOV/INF/5/2 Draft 2)

15. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/5 "UPOV Model Plant Breeders' Rights Gazette" (document UPOV/INF/5/2), on the basis of document UPOV/INF/5/2 Draft 2.

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/6 Draft 1)

16. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/22 "Software and equipment used by members of the Union" (document UPOV/INF/22/6), on the basis of document UPOV/INF/22/6 Draft 1.

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision)
(document UPOV/INF-EXN/13 Draft 1)

17. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF-EXN "List of INF-EXN Documents and Latest Issue Dates" (document UPOV/INF-EXN/13) on the basis of document UPOV/INF EXN/13 Draft 1.

Financial statements for 2018

18. The Consultative Committee recommended to the Council to approve the Financial Statements for 2018.

Arrears in contributions as of September 30, 2019

19. The Consultative Committee noted the status of payment of contributions as of September 30, 2019, and noted that, as a result of recent payments, Belgium, Canada and Mexico had no arrears.

20. In reply to a request for clarification from the Delegation of the European Union, concerning the measures that were taken if a country had arrears for several years, the Consultative Committee noted the explanation provided that reminders were sent to the country on a regular basis and that the matter was governed by Article 29(5) of the 1991 of the UPOV Convention (Article 26(5) of the 1978 Act), as follows:

"(a) A State member of the Union which is in arrears in the payment of its contributions may not, subject to subparagraph (b), exercise its right to vote in the Council if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding full year. The suspension of the right to vote shall not relieve such State member of the Union of its obligations under this Convention and shall not deprive it of any other rights thereunder.

"(b) The Council may allow the said State member of the Union to continue to exercise its right to vote if, and as long as, the Council is satisfied that the delay in payment is due to exceptional and unavoidable circumstances."

Report of the External Auditor

21. The Consultative Committee considered document C/53/6 and noted the information contained in the Report of the External Auditor.

Financing of long-term employee benefits

22. The Consultative Committee noted the developments with regard to financing of long-term employee benefits reported by Ms. Janice Cook Robbins, Director, Finance Division, Department of Program Planning and Finance.

23. In reply to the question by the Delegation of the European Union on whether UPOV had implemented any of the recommendations, Ms. Cook Robbins clarified that the work of the working group was now being considered by various United Nations agencies and within the Finance and Budget Network, a committee which operates across the United Nations' system.

24. The Consultative Committee noted Recommendation 3 of the External Auditor's Report, presented by Ms. Cook Robbins (see document C/53/6 "Report of the External Auditor", Annex):

"UPOV should either formally approve the approach taken by WIPO with regards to placing a restriction on funds or ensure that a separate account is established in line with the Council's decision".

25. The Consultative Committee noted that the Council, at its thirty-third extraordinary session, Geneva, held in Geneva on March 17, 2016, had "decided to establish a separate UPOV bank account to hold funds allocated for financing UPOV's After-Service Health Insurance (ASHI) liability, and that the amount represented by the provisions for ASHI obligations at the end of the 2014 2015 biennium, together with the balance from the 6 per cent charge after deduction of the respective biennium's payments, if any, be transferred to that account starting from the 2016-2017 biennium and to apply to that account the investment policy that WIPO applied to the account for financing WIPO's ASHI liability"(see document C(Extr.)/33/6, para. 8(b)).

26. The Consultative Committee agreed that the approach taken by WIPO to place a restriction on funds within a bank account for the After-Service Health Insurance (ASHI) for UPOV, be presented for a decision by the Council at its fifty-third ordinary session to be held on November 1, 2019, as follows:

“The Consultative Committee recommended to the Council to place a restriction in a UPOV bank account for funds allocated for financing UPOV’s After-Service Health Insurance (ASHI) liability, and that the amount represented by the provisions for ASHI obligations at the end of 2016-2017 biennium, together with the balance from the 6 per cent charge after deduction of the respective biennium’s payments, if any, be transferred to that account with the restriction starting from the 2018-2019 biennium and to apply to that funds thus restricted in the UPOV bank account the investment policy that WIPO applied to the account for financing WIPO’s ASHI liability.”

Strategic Business Plan

27. The Consultative Committee noted the latest situation with regard to the 10 specific targets that were identified for improvement in the Strategic Business Plan.

28. The Consultative Committee noted developments concerning UPOV PRISMA and a proposal for UPOV PRISMA fees.

29. In recognition of UPOV’s financial stability being dependent on contributions of members of the Union, the Consultative Committee requested the Office of the Union to include an item and prepare a document, for its ninety-seventh session, in order to provide a summary of the work of the Consultative Group on Long-Term Financial Issues of UPOV and the consideration of those issues by the Consultative Committee.

30. The Consultative Committee agreed to include an item to review Regulation 4.6 of UPOV Financial Regulations and Rules (document UPOV/INF/4/5) at its ninety-seventh session.

31. The Consultative Committee recommended to the Council the following approach for the PLUTO database from November 2020:

(i) free option: the PLUTO database with a search function would be free to all users. Search results would be limited to an on-screen display of a single page of results. There would be no facility to download search results or data from the PLUTO database;

(ii) premium option: users paying a fee would have access to all PLUTO database features and would be able to download data without restrictions. The fee would be CHF 750 per annum;

(iii) members of the Union and data contributors: access to all PLUTO database “premium” features would be free to all members of the Union and data contributors (i.e. OECD); and

(iv) access to PLUTO data could also be granted in cases approved by the Consultative Committee, in a similar way to the assistance provided by the Office of the Union to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

32. The Consultative Committee recommended to the Council to continue to make the GENIE database available without charge to users on the basis that a new feature in UPOV PRISMA based on cooperation in DUS examination information contained in the GENIE database, would be captured in the UPOV PRISMA fee, as appropriate.

33. The Consultative Committee noted the latest staff resourcing plan in the 2018-2019 Biennium.

34. The Consultative Committee noted the staff resourcing plan presented in the draft Program and Budget for the 2020-2021 Biennium (document C/53/4).

35. The Consultative Committee agreed to discontinue the arrangement between UPOV and WIPO concerning the UPOV Plant Variety Database (UPOV-WIPO arrangement) as soon as the knowledge transfer and rationalization of the PLUTO database data management had been completed to the satisfaction of the Office of the Union.

Draft Program and Budget for the 2020-2021 Biennium

36. The Consultative Committee recommended to the Council to approve the Draft Program and Budget for the 2020-2021 Biennium, as presented in the Annex to document C/53/4 and, in particular,

- (a) the amount of contributions from members of the Union;
- (b) the proposed maximum ceiling of expenditure in the regular budget being 7,347,285 Swiss francs or the income received in the Biennium, whichever is the lower; and
- (c) the total number of posts.

UPOV PRISMA

37. The Consultative Committee received a presentation made by the Office of the Union, and a presentation by ADquation summarizing the results of the survey on the assessment of the value of the service offered by UPOV PRISMA and the suitability of UPOV PRISMA fee.

38. The Consultative Committee received a report from the Vice Secretary-General on the fourteenth Meeting on the Development of an Electronic Application Form (EAF/14), held on October 28, 2019, and noted that the following approach had been agreed to address the issues raised in the ADquation survey:

- (a) address technical issues and improve the user experience:
 - (i) design and integrate semi-automatic testing to identify and eliminate IT bugs;
 - (ii) provide a direct communication route to the UPOV PRISMA helpdesk;
 - (iii) redesign user interface for a better user experience;
- (b) develop an approach to ensure that receipt of application data is acknowledged by PVP Offices and that data are duly and promptly processed;
- (c) introduce new functionalities to improve the value of UPOV PRISMA, within available resources (e.g. DUS Arrangement Tool);
- (d) introduce measures to ensure that information and forms in UPOV PRISMA are complete and up-to-date and arrange for verification of translations by relevant persons;
- (e) expand geographical and crop coverage of UPOV PRISMA and inclusion of coverage of national listing, as far as resources allow, with priority being given to items (a) and (b);
- (f) explore opportunities to facilitate harmonization of forms where appropriate;
- (g) amend UPOV PRISMA promotion material to focus on the benefits of a smooth and reliable process, rather than time-saving;
- (h) explore possibilities to assist members of the Union to receive, process and manage application data;
- (i) revise the UPOV PRISMA terms of use to include agreement of the PBR authority to the following:
 - (i) be part of UPOV PRISMA PBR Application Tool (letter to be signed by the Representative to the UPOV Council of the UPOV member concerned);
 - (ii) provide the Office of the Union with the most recent and updated application forms (including Technical Questionnaire);
 - (iii) provide the Office of the Union with relevant verified translations (if applicable);
 - (iv) complete the "Information for applicants" (PVP Office procedures) to be made available for applicants and provide updates as necessary;
 - (v) test and check the output forms during the relevant Test campaigns;

- (vi) specify all documents required for accepting a completed application and ensure all required information can be provided in UPOV PRISMA (with an exception for the electronic signature, if appropriate);
- (vii) accept application data submitted via UPOV PRISMA without the need for further data or information (except for signature);
- (viii) accept application data by machine-to-machine data transfer or as provided and presented in the output format (PDF), or provide a stylesheet or information that should be displayed on the PDF to be acceptable (e.g. logo);
- (ix) inform the Office of the Union of any changes or updates in the application forms (including Technical Questionnaire) and accept data according to the earlier version until UPOV PRISMA is updated - UPOV PRISMA will be updated at the next release or within 6 months following notification thereof, whatever is the sooner;
- (x) acknowledge receipt in UPOV PRISMA of any application data submitted via UPOV PRISMA within 7 days;
- (xi) PVP Office not to charge a higher application fee when receiving application data through UPOV PRISMA;
- (xii) communicate information to applicants on the possibility to use UPOV PRISMA;
- (xiii) permit UPOV to disclose data about the number and crop types of applications received via UPOV PRISMA (no data on individual application will be disclosed).

39. The Consultative Committee noted that it had been agreed at the EAF/14 that the fifteenth meeting (EAF/15) would be held on March 26, 2020 from 2 to 4 pm, with participation by WebEx.

40. The Consultative Committee recommended to the Council to introduce a UPOV PRISMA fee per application at 90 Swiss Francs, starting in January 2020, subject to resolution of the technical issues and improvements being made to the user experience, as set out in paragraph 38(a) above, before a fee was introduced. It further agreed that, where the same variety was submitted for both plant breeders' rights and national listing in the same participating member of the Union, a single UPOV PRISMA fee would be charged at the time of the first submission for the variety.

International system of cooperation

41. The Consultative Committee noted the proposals, analysis and information agreed by the Working Group on a possible International System of Cooperation (WG-ISC), at its fifth meeting, held in Geneva on October 30, 2019, in accordance with the mandate and terms of reference for the WG-ISC, as established by the Consultative Committee at its ninety-second session, held in Geneva on October 27, 2016.

42. The Consultative Committee invited the Office of the Union to present a summary of existing work/initiatives relevant for each proposal alongside the proposals of the WG-ISC, at the ninety-seventh session of the Consultative Committee to be held on October 29, 2020.

Communication strategy

43. The Consultative Committee recommended to the Council to revise the text of the FAQ "What are the benefits of new varieties of plants for society?", on the basis of the text reproduced in Annex I to this document.

44. The Consultative Committee agreed that the draft text for an FAQ on "How the UPOV system supports sustainable development", as reproduced below, be circulated for comments and, on the basis of the comments received, the Office of the Union to prepare an updated version of the draft FAQ for consideration by the Consultative Committee at its ninety-seventh session in 2020:

"How does the UPOV system support sustainable development?"

"The vision of the 2030 Agenda for Sustainable Development (see <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>) includes a world where "food is sufficient, safe, affordable and nutritious", there is "sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger" and one in "which development and the application of technology are climate-sensitive, respect biodiversity and are resilient".

"World population is growing and urbanization increasing, which places greater demands on the quantity and quality of agricultural production. At the same time, conservation of biodiversity calls for a halt or reversal to the expansion of agricultural land, while there are parallel demands on agricultural land for food and energy production. This means that there is a need to produce more from existing agricultural land, in a sustainable way.

"The tremendous progress in agricultural productivity in various parts of the world is largely based on improved varieties, combined with improved farming practices. Breeding plant varieties with improved yield, more efficient use of nutrients, resistance to plant pests and diseases, salt and drought tolerance and better adaptation to climatic stress can sustainably increase productivity and product quality in agriculture, horticulture and forestry, whilst minimizing the pressure on the natural environment. At the same time, new varieties that are adapted to the environment in which they are grown increase the choice of healthy, tasty and nutritious food while generating a viable income for farmers.

"The UPOV system of plant variety protection supports long-term investment in breeding and provides a framework for investment in the delivery of seed and other propagating material of varieties suited to farmers' needs. UPOV was created in 1961 for the development of agriculture and, since that time, has proven to be an effective system for supporting all types of breeders: individuals, farmers, SMEs and larger breeding institutes/enterprises, in the private and public sectors.

"From the outset, the UPOV system was conceived to deliver greatest progress in plant breeding and, therefore, to sustain greatest advances in agriculture for the benefit of farmers and society as a whole. This concept is enshrined in the "breeder's exemption", a feature unique to the UPOV system, which enables protected plant varieties to be available for further breeding by all breeders."

45. The Consultative Committee recommended to the Council to approve the proposed text for updating of FAQs and the proposed amendments to the UPOV Distance Learning materials, as reproduced below, to reflect developments concerning UPOV PRISMA:

How does plant variety protection work?

The UPOV Convention provides the basis for members (see <https://www.upov.int/members/en/>) to encourage plant breeding by granting breeders of new plant varieties an intellectual property right: the breeder's right.

The breeder's right means that the authorization of the breeder is required to propagate the variety for commercial purposes. The UPOV Convention specifies the acts that require the breeder's authorization in respect of the propagating material of a protected variety and, under certain conditions, in respect of the harvested material. UPOV members may also decide to extend protection to products made directly from harvested material, under certain conditions.

In order to obtain protection, the breeder needs to file individual applications with the authorities of UPOV members entrusted with the task of granting breeders' rights (see https://www.upov.int/members/en/pvp_offices.html). However, UPOV has developed UPOV PRISMA, an online tool which helps applicants to apply for breeders' rights with all participating PVP Offices, via the UPOV website (see <https://www.upov.int/upovprisma/en/index.html>).

Where do I apply for protection of a variety?

In order to obtain protection, the breeder needs to file individual applications with the authorities of UPOV members entrusted with the task of granting breeders' rights (see https://www.upov.int/members/en/pvp_offices.html).

UPOV has developed UPOV PRISMA, an online tool which helps applicants to apply for breeders' rights with all participating PVP Offices, via the UPOV website (see <https://www.upov.int/upovprisma/en/index.html>).

46. The Consultative Committee noted the publication of the videos: “Overview of the benefits of the UPOV system (Interview: Peter Button, Vice Secretary-General, UPOV)”; “Impact of UPOV in Canada, Shift in Investments, PBR & Seed Sector Growth (Interview: Anthony Parker, Commissioner, Plant Breeders’ Rights Office, CFIA)”; and “The importance of UPOV in Viet Nam (Interview: Director Nguyen Thanh Minh, Plant Variety Protection Office of Viet Nam)”.

Communication methods

UPOV website

47. The Consultative Committee approved the proposed redesign of the UPOV website as demonstrated at the session and noted the plans for the implementation of the redesigned UPOV website and a new content management system (CMS).

Social media

48. The Consultative Committee noted the developments concerning UPOV’s use of social media and that the @upovprisma Twitter account had been incorporated in the @UPOVint Twitter account.

49. The Consultative Committee approved the following performance indicators for the communication strategy, as follows:

- Visits to UPOV website;
- Number of followers, impressions and engagement rate in Twitter and number of followers and connections in LinkedIn; and
- Participation in workshops.

Presentation of documents

Measures taken and proposals in relation to the organization of a single set of sessions

50. At the request from the Delegation of the European Union to publish all documents at least four weeks prior to the UPOV sessions, the Office of the Union recalled the timeline previously agreed by the Consultative Committee:

“Unless specific publication deadlines apply (e.g. draft program and budget; financial statements, arrears in contributions, report on activities of the first nine months, etc.), it is proposed to implement the three month target for documents with matters for consideration and/or approval/decision and, if necessary, to produce addenda to documents if developments take place closer to the UPOV sessions. The target of six weeks prior to the sessions will continue to apply for other documents.”

51. The Consultative Committee noted the implementation of measures taken in relation to the organization of a single set of sessions, in relation to:

- (i) booking meeting rooms for delegates;
- (ii) organization of events of relevance for UPOV;
- (iii) separation of documents into two types of documents;
- (iv) timetable for posting of documents; and
- (v) consultation by correspondence between the UPOV sessions.

52. The Consultative Committee agreed that the presentation of meeting documents on the website in two sections was unnecessary.

53. The Consultative Committee noted that the Technical Committee (TC), at its fifty-fifth session, had considered the proposal to organize a seminar to communicate the importance of the technical work conducted in UPOV. The Consultative Committee noted that the TC had decided that further consideration would be needed on the aim and target audience before pursuing the idea further (see paragraph 236 of document TC/55/25 "Report").

Previously approved guidance by UPOV bodies for adoption by the Council

54. The Consultative Committee noted the "Program for improvements to the PLUTO database", as adopted by the CAJ, at its sixty-eighth session, and the proposed revision of Section 3.1.3, as set out in Annex I of document CAJ/76/7.

55. The Consultative Committee noted that the TC had agreed to postpone the amendment to the "Guide to the UPOV Code System" and to explore alternative solutions to enable UPOV Codes to provide useful information on variety groups or types for DUS testing purposes.

56. The Consultative Committee noted that, at the appropriate time, the Council would be invited to adopt the "Program for improvements to the PLUTO database" and the "Guide to the UPOV Code System", which would be made accessible via the [UPOV Collection UPOV/INF document series](#).

57. The Consultative Committee agreed that the UPOV Communication Strategy, UPOV Training and Assistance Strategy, UPOV policy for financing speakers and participants and the Strategic Business Plan, be made available under a standing section for "Reference documents" of the annual sessions for the Consultative Committee and via a new section "Reference documents" on the UPOV website for matters concerning the Consultative Committee.

Policy on translation

58. The Consultative Committee noted that, on January 31, 2019, WIPO had issued Office Instruction No. 5/2019 concerning the "Translation of Official WIPO Documentation".

59. The Consultative Committee noted the UPOV requirements that were not in line with the WIPO policy on translation of official documentation, and requested the Office of the Union to prepare a document on the UPOV policy on translation containing UPOV requirements and rationalization and cost-containment measures for consideration by the Consultative Committee and the Council in 2020.

Program for the use of the Russian language in UPOV

60. The Consultative Committee noted the report of the Delegation of the Russian Federation and that the Russian Federation had translated a number of UPOV documents into Russian and had made them available on the State Commission website.

61. The Consultative Committee noted developments on the ongoing discussions between the Office of the Union and the Russian Federation.

62. The Consultative Committee noted that developments on the implementation of the program for the use of the Russian language in UPOV approved by the Council would be reported at the ninety-seventh session of the Consultative Committee in 2020.

Reports from new members of the Union

95. The Consultative Committee noted that Montenegro had not been able to make a presentation at the Consultative Committee, at its ninety-sixth session.

63. The Consultative Committee noted the information on progress in the implementation of the UPOV system by OAPI and by the United Republic of Tanzania and that the presentations by OAPI and the United Republic of Tanzania would be posted in the Consultative Committee section of the UPOV website.

64. The Consultative Committee agreed not to invite presentations by new members of the Union at its ninety-seventh session and agreed to include an item for "Providing support for new members of the Union".

Developments of relevance to UPOV in other international fora

65. The Consultative Committee agreed to propose to the Council that the Office of the Union cooperate with FAO in relation to the in-depth case studies on status and trends of seed policies and laws, as reproduced below:

“The CGRFA, at its Seventeenth Regular Session, held in Rome, Italy, from February 18 to 22, 2019, considered document CGRFA-17/19/9.3 ‘Status and trends of seed policies and laws’ and took note of the review undertaken (see document CGRFA-17/19/9.3/Inf.1), as follows:

‘The [CGRFA] considered the document Status and trends of seed policies and laws and took note of the review undertaken. It requested FAO to carry out, in coordination with the Treaty [ITPGRFA] and in consultation with the International Union for the Protection of New Varieties of Plants (UPOV), in-depth case studies for consideration by the Working Group, at its next session. These case studies should consider the effects of seed policies, laws and regulations on: (i) on-farm diversity of plant genetic resources for food and agriculture (PGRFA); (ii) smallholders’ access to sufficient, affordable, diversified and locally adapted PGRFA, including farmers’ varieties/landraces; and (iii) food security and nutrition under the different seed systems. The Commission requested FAO to clarify the terms ‘farmers’ seed systems’, ‘informal seed systems’, ‘formal seed systems’ and ‘integrated seed systems’, taking into account submissions by Members and observers.’”

(see document CGRFA-17/19/Report, available at <http://www.fao.org/3/mz618en/mz618en.pdf>, paragraph 67).

66. The Consultative Committee agreed to propose to the Council that the World Farmers’ Organisation (WFO) be invited to become a full partner in the WSP, as reproduced below:

“The World Farmers’ Organisation (WFO) currently has the status of Advisory Partner in the WSP. Following discussion on the status of the WFO in the WSP Steering Committee, the representative of the WFO has informed the WSP Steering Committee that WFO would be interested to become a full partner in the WSP. Subject to approval of OECD, UPOV, ISTA and ISF, the WSP plans to invite WFO to join the WSP as a full partner.”

67. The Consultative Committee agreed to propose that the Council approve the draft joint paper “Benefits of the WSP for farmers”, as reproduced in Annex II to this document, to be posted on the WSP website and to be used for communication purposes.

Interrelations with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

68. The Consultative Committee noted that the Office of the Union had arranged a meeting with Mr. Kent Nnadozie, Secretary of the ITPGRFA, and Mr. Worku Damena Yifru, Senior Legal Officer of the CBD on November 22, 2019, in Montreal.

69. The Consultative Committee agreed that matters concerning “Interrelations with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)” be included in the item “Developments of relevance to UPOV in other international fora”.

70. The Consultative Committee noted the information provided by the Delegation of the United States of America and Canada on a Seminar “Implementing farmers rights: farmers and innovation” being organized by Canada and the United States of America, on Tuesday, November 12, 2019, at the fringes of the Eighth Session of the Governing Body of the ITPGRFA.

71. The Consultative Committee noted the intervention by the Netherlands concerning the “Report and Recommendations of the project ‘Options to interpret the notion of private and non-commercial use as included in Article 15. 1. I of the UPOV 1991 Convention’” by Oxfam, Plantum and Euroseeds, concerning small holder farmers. The Consultative Committee agreed to invite the authors to make a presentation at the ninety-seventh session of the Consultative Committee in 2020.

Preparation of the calendar of meetings

72. The Consultative Committee recommended to the Council to approve the calendar of meetings in 2020, and to note the tentative dates of meetings in 2021 and 2022, as set out in document C/53/8, with the following changes for 2020:

Consultative Committee

~~[WG-ISC/5 — October 28 (evening)
Working Group on a Possible International System of Cooperation (WG-ISC)]~~

Administrative and Legal Committee

EAF/15 March 26 (~~morning~~ afternoon)
~~[WG-DEN/6 — October 27 (evening)
Working Group on Variety Denominations (WG-DEN)]~~

Matters for information:

73. The Consultative Committee noted the following documents under item 22 “Matters for information”, which had been posted for information on the CC/96 webpage:

- “(b) Internal oversight and the WIPO Independent Advisory Oversight Committee (IAOC)
- “(c) Observers in UPOV bodies
- “(d) Situation concerning those States and intergovernmental organizations which have initiated the procedure for acceding to the UPOV Convention or which have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention”

74. The Consultative Committee was informed by the Office of the Union that experts from the United Arab Emirates had been issued with *ad hoc* invitations to attend the fifty-fifth session of the TC, held on October 28 and 29, 2019, and the seventy-sixth session of the CAJ, held on October 30 2019.

Draft press release

75. Subject to developments in the Council, the Consultative Committee recommended to the Council to approve the draft press release contained in the Annex to document C/53/10 Prov.

76. *The Council is invited to:*

- (a) consider the recommendations of the Consultative Committee contained in paragraphs 26, 31, 32, 35, 40, 43, 45, 65, 66 and 67 of this document; and*
- (b) note the work of the Consultative Committee at its ninety-sixth session, as reported in this document.*

[Annexes follow]

DRAFT REVISED
FAQ "WHAT ARE THE BENEFITS OF NEW VARIETIES OF PLANTS FOR SOCIETY?"

Feeding the World

New, improved varieties of plants are an important and sustainable means of achieving food security in the context of population growth and climate change. New varieties that are adapted to the environment in which they are grown increase the choice of healthy, tasty and nutritious food while generating a viable income for farmers.

Improving lives in rural and urban areas and providing economic development

Innovation in agriculture and horticulture is important for economic development. Production of diverse, high quality varieties of fruit, vegetables, ornamentals and agricultural crops provides increased income for farmers and employment for millions of people around the world. New varieties can be the key to accessing global markets and improving international trade for developing countries. At the same time, new varieties can support the development of urban agriculture and the growing of ornamental plants, shrubs and trees that contribute to improving the lives of people in the expanding urban environment.

Respecting the natural environment

Increasing productivity whilst respecting the natural environment is a key challenge in the context of population growth and climate change. Breeding plant varieties with improved yield, more efficient use of nutrients, resistance to plant pests and diseases, salt and drought tolerance and better adaptation to climatic stress can sustainably increase productivity and product quality in agriculture, horticulture and forestry, whilst minimizing the pressure on the natural environment.

[Annex II follows]

ANNEX II

The World Seed Partnership

Global agriculture is expected to deliver on a formidable triple challenge:

- First, it must provide **food security**, by ensuring that healthy and nutritious food is available and affordable for the world population
- This needs to be done **sustainably**, by protecting and conserving the planet's resources: producing more food on the same amount of land while using less water and other resources.
- It must also generate incomes and provide **livelihoods** to farmers worldwide, as well as others in the food chain.

Agriculture must respond to these challenges while adapting to climate change and supporting mitigation efforts such as reduced emissions from farming practices and land-use-change. The development of new plant varieties that respond to the effects of climate change, with features such as disease resistance, drought, salt & flood tolerance combined with high yields and good eating quality, need to be combined with farmer access to good quality seed.

High quality seed of new varieties has the potential to improve the sustainability and resilience of farming while raising income for farmers. These benefits will be passed on to consumers in the form of improved food security, greater choice and affordability.

For many countries, agricultural development continues to be central to their wider development prospects. The agricultural sector's potential to drive economic growth, reduce poverty, provide food security and deliver environmental services is also dependent on government policies and regulations that create and shape an enabling business environment.

THE WORLD SEED PARTNERSHIP

The World Seed Partnership (WSP) aims to promote the development of a seed sector that addresses the challenges of food security, sustainability and creating livelihoods at national and global levels.

The WSP is built on the principle that countries need innovation to ensure that all farmers have access to good quality seed of high performing varieties. The WSP works to ensure that **farmers** have the seed and knowledge they need, that the needs of plant **breeders and seed producers** are understood and reflected in policies, **and that governments** have the information and tools they need to develop a regulatory framework that delivers a well-functioning and vibrant seed sector.

Each member of the WSP brings a specific set of skills to the broader challenge:

- **Organisation for Economic Cooperation and Development (OECD)** provides an international framework for agricultural seed trade by varietal **certification**, thereby increasing the availability of high performing varieties.
- **International Union for the Protection of New Varieties of Plants (UPOV)** provides and promotes an effective system of **plant variety protection**, with the aim of encouraging the development of new varieties of plants, for the benefit of society.
- **International Seed Testing Association (ISTA)** is an international association that represents the **seed quality sampling and testing** organisations and laboratories at the world level, helping to ensure that the seeds sown by farmers are of the highest quality.
- **International Seed Federation (ISF)** represents the interests of national seed associations and seed companies at a global level. ISF **works in partnership with the individuals and organizations shaping the policies, treaties conventions and agreements that affect the seed industry**, to ensure that the seed industry speaks with one voice.
- **World Farmers Organization (WFO)** provides access to the **voice of food producers** on the global scene, enhancing their relevance as economic, social and environmental actors.

The WSP offers **an entry point** for countries, by providing them with guidance and expertise to develop a well-functioning seed sector, thereby enabling farmers to have access to high quality seed of new plant varieties.

Signatories:

OECD

UPOV

ISTA

ISF

WFO

[End of Annex II and of document]