

**Council****C/54/17.****Fifty-Fourth Ordinary Session  
Geneva, October 30, 2020****Original:** English  
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**OUTCOME OF THE CONSIDERATION OF DOCUMENTS BY CORRESPONDENCE***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. The purpose of this document is to report the outcome of consideration of the Council documents by correspondence, in accordance with the procedure adopted by the Council in 2020<sup>1</sup>.
2. The Council approved the decision(s) contained in the following documents:
  - Appointment of the Secretary-General (document C/54/11)
  - Extension of the appointment of the Vice Secretary-General (document C/54/12)
  - Adoption of documents (document C/54/3 Rev.)
    - UPOV/INF/4: Financial Regulations and Rules of UPOV (Revision of Regulation 4.6) (document C/54/19)
  - Financial statements for 2019 (document C/54/5)
  - Financial Management Report for the 2018-2019 Biennium (document C/54/4)
  - Consolidation of financial and performance reports (document C/54/18)
  - Merger of the Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular (BMT) and the Technical Working Party on Automation and Computer Programs (TWC) (document C/54/14)
  - FAQ "How the UPOV system supports sustainable development" (document C/54/15)
  - Calendar of meetings in 2021 (document C/54/8)
  - Election of the new Chairpersons of the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular (BMT) (document C/54/16)

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<sup>1</sup> The procedure for consideration of documents by correspondence is provided in Circular E-20/094 of July 23, 2020 (available at the TC/56, CAJ/77 and C/54 webpages).

3. The structure of this document is as follows:

BACKGROUND .....	2
AGENDA ITEM 4: APPOINTMENT OF THE SECRETARY-GENERAL (DOCUMENT C/54/11).....	4
AGENDA ITEM 5: EXTENSION OF THE APPOINTMENT OF THE VICE SECRETARY-GENERAL (DOCUMENT C/54/12) .....	4
AGENDA ITEM 8: DOCUMENTS PROPOSED FOR ADOPTION BY THE COUNCIL (DOCUMENT C/54/3 REV.) AND DOCUMENT UPOV/INF/4 "FINANCIAL REGULATIONS AND RULES OF UPOV (REVISION OF REGULATION 4.6)" (DOCUMENT C/54/19) .....	5
Documents proposed for adoption by the Council (document C/54/3 Rev.).....	5
<i>Information documents</i> .....	5
UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/9 Draft 2) .....	5
UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/7 Draft 1).....	5
UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/14 Draft 2) .....	5
<i>TGP documents</i> .....	5
TGP/5: Experience and Cooperation in DUS Testing: Section 6: UPOV Report on Technical Examination and UPOV Variety Description (Revision) (document TGP/5: Section 6/3 Draft 1).....	5
TGP/7: Development of Test Guidelines (Revision) (document TGP/7/8 Draft 1) .....	5
TGP/14: Glossary of Terms Used in UPOV Documents (Revision) (document TGP/14/5 Draft 1).....	5
TGP/15: Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS) (Revision) (document TGP/15/3 Draft 1) .....	5
TGP/0: List of TGP documents and latest issue dates (Revision) (document TGP/0/12 Draft 1) .....	5
Document UPOV/INF/4 "Financial Regulations and Rules of UPOV (Revision of Regulation 4.6)" (document C/54/19) .....	6
AGENDA ITEM 9: FINANCIAL STATEMENTS FOR 2019 (DOCUMENT C/54/5) .....	6
AGENDA ITEM 12: FINANCIAL MANAGEMENT REPORT FOR THE 2018-2019 BIENNIUM (DOCUMENT C/54/4).....	6
AGENDA ITEM 13: PERFORMANCE REPORT FOR THE 2018-2019 BIENNIUM (DOCUMENT C/54/9).....	6
AGENDA ITEM 14: ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 2019 (DOCUMENT C/54/2) .....	6
AGENDA ITEM 15: CONSOLIDATION OF FINANCIAL AND PERFORMANCE REPORTS (DOCUMENT C/54/18) .....	6
AGENDA ITEM 16: MERGER OF THE WORKING GROUP ON BIOCHEMICAL AND MOLECULAR TECHNIQUES AND DNA-PROFILING IN PARTICULAR (BMT) AND THE TECHNICAL WORKING PARTY ON AUTOMATION AND COMPUTER PROGRAMS (TWC) (DOCUMENT C/54/14) .....	7
AGENDA ITEM 17: FAQ "HOW THE UPOV SYSTEM SUPPORTS SUSTAINABLE DEVELOPMENT" (DOCUMENT C/54/15) .....	7
AGENDA ITEM 18(B): CALENDAR OF MEETINGS IN 2021 (DOCUMENT C/54/8) .....	8
AGENDA ITEM 19: ELECTION OF THE NEW CHAIRPERSONS OF THE TECHNICAL WORKING PARTIES AND THE WORKING GROUP ON BIOCHEMICAL AND MOLECULAR TECHNIQUES AND DNA-PROFILING IN PARTICULAR (BMT) (DOCUMENT C/54/16).....	8

## BACKGROUND

4. In accordance with Circular E-20/094 of July 23, 2020 (available at [C/54](#) webpage) the Council decided that the UPOV Sessions in October 2020 would be held in the form of virtual meetings, in combination with prior consideration of documents by correspondence.

5. Circular E-20/122 of August 21, 2020, identified the following documents for the procedure by correspondence and provided an opportunity for comments by September 21, 2020, prior to requests for approval of the proposed decisions in the documents where appropriate:

Appointment of the Secretary-General (document C/54/11)

Extension of the appointment of the Vice Secretary-General (document C/54/12)

Adoption of documents (document C/54/3)

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/9 Draft 1)

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/7 Draft 1)

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/14 Draft 1)

UPOV/EXN/DEN: "Explanatory Notes on Variety Denominations under the UPOV Convention" (document UPOV/EXN/DEN/1 Draft 4)

TGP/5: Experience and Cooperation in DUS Testing, Section 6: UPOV Report on Technical Examination and UPOV Variety Description (Revision) (document TGP/5: Section 6/3 Draft 1)

TGP/7: Development of Test Guidelines (Revision) (document TGP/7/8 Draft 1)

TGP/14: Glossary of Terms Used in UPOV Documents (Revision) (document TGP/14/5 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/15/3 Draft 1)

TGP/0: List of TGP documents and latest issue dates (Revision) (document TGP/0/12 Draft 1)

Financial statements for 2019 (document C/54/5)

Financial Management Report for the 2018-2019 Biennium (document C/54/4)

Annual report of the Secretary-General for 2019 (document C/54/2)

Calendar of meetings in 2021 (document C/54/8)

6. By September 21, 2020, comments on the following documents identified in Circular E-20/122 of August 21, 2020, were received of a straightforward nature. The Office of the Union addressed comments of a straightforward nature in a revised version of the following documents, with endnote explanations:

Adoption of documents (document C/54/3 Rev.)

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/9 Draft 2)

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/14 Draft 2)

7. By September 21, 2020, comments received on the following document were not of a straightforward nature and, therefore, this document was not included for the approval of the Council by correspondence and will be discussed at the virtual session of the Administrative and Legal Committee on October 28, 2020:

Document UPOV/EXN/DEN/1 Draft 4 "Explanatory Notes on Variety Denominations under the UPOV Convention"

8. The comments received in relation to document UPOV/EXN/DEN/1 Draft 4 "Explanatory Notes on Variety Denominations under the UPOV Convention" are presented in document CAJ/77/9 "Outcome of the consideration of documents by correspondence".

9. Circular E-20/162 of September 25, 2020, included the following additional Council documents in accordance with the recommendations contained in the relevant Consultative Committee and Technical Committee documents:

UPOV/INF/4: Financial Regulations and Rules of UPOV (Revision of Regulation 4.6) (document C/54/19)

Consolidation of financial and performance reports (document C/54/18)

Merger of the Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular (BMT) and the Technical Working Party on Automation and Computer Programs (TWC) (document C/54/14)

FAQ "How the UPOV system supports sustainable development" (document C/54/15)

Election of the new Chairpersons of the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular (BMT) (document C/54/16)

10. On the above basis, Circular E-20/162 of September 25, 2020, invited the Council to approve the proposed decision(s) contained in the following documents within 30 days (i.e. October 25, 2020):

Appointment of the Secretary-General (document C/54/11)

Extension of the appointment of the Vice Secretary-General (document C/54/12)

Adoption of documents (document C/54/3 Rev.)

UPOV/INF/4: Financial Regulations and Rules of UPOV (Revision of Regulation 4.6) (document C/54/19)

Financial statements for 2019 (document C/54/5)

Financial Management Report for the 2018-2019 Biennium (document C/54/4)

Consolidation of financial and performance reports (document C/54/18)

Merger of the Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular (BMT) and the Technical Working Party on Automation and Computer Programs (TWC) (document C/54/14)

FAQ "How the UPOV system supports sustainable development" (document C/54/15)

Calendar of meetings in 2021 (document C/54/8)

Election of the new Chairpersons of the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular (BMT) (document C/54/16)

11. As no objections were received by October 25, 2020, the relevant decisions presented in the following paragraphs are considered to have been taken by correspondence.

#### AGENDA ITEM 4: APPOINTMENT OF THE SECRETARY-GENERAL (DOCUMENT C/54/11)

12. The Council considered document C/54/11.

13. The Council appointed Mr. Daren Tang as the Secretary General of UPOV for the period from October 30, 2020, to September 30, 2026.

#### AGENDA ITEM 5: EXTENSION OF THE APPOINTMENT OF THE VICE SECRETARY-GENERAL (DOCUMENT C/54/12)

14. The Council considered document C/54/12.

15. The Council extended the appointment of the Vice Secretary-General from December 1, 2021, until November 30, 2022.

AGENDA ITEM 8: DOCUMENTS PROPOSED FOR ADOPTION BY THE COUNCIL (DOCUMENT C/54/3 REV.) AND DOCUMENT UPOV/INF/4 "FINANCIAL REGULATIONS AND RULES OF UPOV (REVISION OF REGULATION 4.6)" (DOCUMENT C/54/19)

Documents proposed for adoption by the Council (document C/54/3 Rev.)

16. The Council considered document C/54/3 Rev., UPOV/INF/16/9 Draft 2, UPOV/INF/22/7 Draft 1, UPOV/INF-EXN/14 Draft 2, TGP/5: Section 6/3 Draft 1, TGP/7/8 Draft 1, TGP/14/5 Draft 1, TGP/15/3 Draft 1 and TGP/0/12 Draft 1.

*Information documents*

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/9 Draft 2)

17. The Council adopted a revision of document UPOV/INF/16 "Exchangeable Software" (document UPOV/INF/16/9), on the basis of document UPOV/INF/16/9 Draft 2.

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/7 Draft 1)

18. The Council adopted a revision of document UPOV/INF/22 "Software and equipment used by members of the Union" (document UPOV/INF/22/7), on the basis of document UPOV/INF/22/7 Draft 1.

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/14 Draft 2)

19. The Council adopted a revision of document UPOV/INF-EXN "List of INF-EXN Documents and Latest Issue Dates" (document UPOV/INF-EXN/14), on the basis of document UPOV/INF-EXN/14 Draft 2.

*TGP documents*

TGP/5: Experience and Cooperation in DUS Testing: Section 6: UPOV Report on Technical Examination and UPOV Variety Description (Revision) (document TGP/5: Section 6/3 Draft 1)

20. The Council adopted a revision of document TGP/5: "Experience and Cooperation in DUS Testing: Section 6: UPOV Report on Technical Examination and UPOV Variety Description" (document TGP/5: Section 6/3), on the basis of document TGP/5: Section 6/3 Draft 1.

TGP/7: Development of Test Guidelines (Revision) (document TGP/7/8 Draft 1)

21. The Council adopted a revision of document TGP/7 "Development of Test Guidelines" (document TGP/7/8), on the basis of document TGP/7/8 Draft 1.

TGP/14: Glossary of Terms Used in UPOV Documents (Revision) (document TGP/14/5 Draft 1)

22. The Council adopted a revision of document TGP/14 "Glossary of terms used in UPOV documents" (document TGP/14/5), on the basis of document TGP/14/5 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/15/3 Draft 1)

23. The Council adopted 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/15/3), on the basis of document TGP/15/3 Draft 1.

TGP/0: List of TGP documents and latest issue dates (Revision) (document TGP/0/12 Draft 1)

24. The Council adopted a revision of document TGP/0 "List of TGP documents and latest issue dates" (document TGP/0/12), on the basis of document TGP/0/12 Draft 1.

Document UPOV/INF/4 “Financial Regulations and Rules of UPOV (Revision of Regulation 4.6)”  
(document C/54/19)

25. The Council adopted the revision of Regulation 4.6 of document UPOV/INF/4/5 “Financial Regulations and Rules of UPOV”, as follows:

**“Regulation 4.6**

“The use, other than for the covering of any deficits, of the reserve fund is a matter for the decision of the Council. If after the closure of the financial period, the amount of the reserve fund exceeds 15 percent of the total income for the financial period, ~~the Council shall decide on the use of the income in excess of the expenditure for the financial period. the amount in excess shall be reimbursed to the members of UPOV, unless otherwise decided by the Council. Any member of UPOV may request that the reimbursement attributed to it be deposited in a special account or trust fund specified by it.~~”

AGENDA ITEM 9: FINANCIAL STATEMENTS FOR 2019 (DOCUMENT C/54/5)

26. The Council approved the Financial Statements for 2019, as presented in document C/54/5.

AGENDA ITEM 12: FINANCIAL MANAGEMENT REPORT FOR THE 2018-2019 BIENNIUM  
(DOCUMENT C/54/4)

27. The Council approved the Financial Management Report for the 2018-2019 Biennium, as presented in document C/54/4.

AGENDA ITEM 13: PERFORMANCE REPORT FOR THE 2018-2019 BIENNIUM (DOCUMENT C/54/9)

28. The Council considered document C/54/9.

29. The Council noted the results and performance indicators for 2018-2019 Biennium, as provided in document C/54/9.

AGENDA ITEM 14: ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 2019 (DOCUMENT C/54/2)

30. The Council noted the report of the Secretary-General on the activities of the Union in 2019, as provided in document C/54/2.

AGENDA ITEM 15: CONSOLIDATION OF FINANCIAL AND PERFORMANCE REPORTS  
(DOCUMENT C/54/18)

31. The Council approved the consolidation of existing financial and performance reports into a “UPOV Performance Report” (UPR). The UPR would be presented alongside the Financial Statements, on an annual basis, starting with the reports for 2020, as set out in paragraphs 9 to 11 and the Annex to document C/54/18.

AGENDA ITEM 16: MERGER OF THE WORKING GROUP ON BIOCHEMICAL AND MOLECULAR TECHNIQUES AND DNA-PROFILING IN PARTICULAR (BMT) AND THE TECHNICAL WORKING PARTY ON AUTOMATION AND COMPUTER PROGRAMS (TWC) (DOCUMENT C/54/14)

32. The Council considered document C/54/14.

33. The Council approved the establishment and the following terms of reference for the TWM, to encompass the work of the TWC and BMT:

Title:

Technical Working Party on Testing Methods and Techniques (TWM)

Tasks:

As directed by the Technical Committee, to:

- (a) Consider methods relevant for the examination of DUS.
- (b) Review and provide guidance on software and equipment relevant for:
  - (i.) DUS trial design and data analysis
  - (ii.) Data recording and transfer
  - (iii.) Image analysis
  - (iv.) Biochemical and molecular data.
- (c) Consider matters relating to trial design and data analysis;
- (d) Consider the possible application of biochemical and molecular techniques in DUS testing;
- (e) Develop guidelines regarding the management and harmonization of databases;
- (f) If appropriate, establish guidelines for biochemical and molecular methodologies and their harmonization;
- (g) Review general developments in biochemical and molecular techniques;
- (h) Maintain an awareness of relevant applications of biochemical and molecular techniques in plant breeding;
- (i) Provide a forum for discussion on the use of biochemical and molecular techniques in the consideration of essential derivation and variety identification.

34. The Council established the TWM with the above terms of reference, to take effect from 2022.

35. The Council elected the Chairperson of the BMT to act as Chairperson of the TWM, ending with the fifty-seventh ordinary session of the Council, in 2023.

AGENDA ITEM 17: FAQ "HOW THE UPOV SYSTEM SUPPORTS SUSTAINABLE DEVELOPMENT"  
(DOCUMENT C/54/15)

36. The Council considered document C/54/15.

37. The Council adopted the text of the FAQ "How does the UPOV system support sustainable development?", as follows:

*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 depends on sustainable agriculture and 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 climate change 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 various 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 key feature of the UPOV system since its creation. This exemption enables protected plant varieties to be available for further breeding by all types of breeders, thus recognizing that access to genetic resources is a prerequisite for any type of breeding.*

AGENDA ITEM 18(B): CALENDAR OF MEETINGS IN 2021 (DOCUMENT C/54/8)

38. The Council considered document C/54/8.
39. The Council approved the calendar of meetings in 2021, and the tentative dates of meetings in 2022 and 2023, as provided in document C/54/8.

AGENDA ITEM 19: ELECTION OF THE NEW CHAIRPERSONS OF THE TECHNICAL WORKING PARTIES AND THE WORKING GROUP ON BIOCHEMICAL AND MOLECULAR TECHNIQUES AND DNA-PROFILING IN PARTICULAR (BMT) (DOCUMENT C/54/16)

40. The Council considered document C/54/16.
41. The Council elected the next Chairpersons of the TWPs and the BMT for a term of three years ending with the fifty-seventh ordinary session of the Council, in 2023, as follows:
  - (a) Ms. Renée Cloutier (Canada) as Chairperson of the Technical Working Party for Agricultural Crops (TWA);
  - (b) Mr. Christopher Barnaby (New Zealand) as Chairperson of the Technical Working Party for Fruit Crops (TWF);
  - (c) Ms. Ashley Balchin (Canada) as Chairperson of the Technical Working Party for Ornamental Plants and Forest Trees (TWO);
  - (d) Ms. Marian van Leeuwen (Netherlands) as Chairperson of the Technical Working Party for Vegetables (TWV); and
  - (e) Ms. Beate Rücker (Germany) as Chairperson of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT).

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