

Council

C/58/15

**Fifty-Eighth Ordinary Session
Geneva, October 25, 2024****Original:** English
Date: October 25, 2024**REPORT BY THE PRESIDENT ON THE WORK OF THE HUNDRED AND SECOND SESSION OF THE CONSULTATIVE COMMITTEE; ADOPTION OF RECOMMENDATIONS, IF ANY, PREPARED BY THAT COMMITTEE***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. The Consultative Committee held its hundred and second session in Geneva on October 24, 2024, and on the morning of October 25, 2024.
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/58/1 Rev.):
 - (a) Extension of the appointment of the Vice Secretary-General (document C/58/14);
 - (b) Developments on the Draft Law on Plant Variety Protection of the United Arab Emirates (document C/58/17);
 - (c) Examination of the conformity of the Law on Intellectual Property, Part IV New Plant Variety, of the Lao People's Democratic Republic with the 1991 Act of the UPOV Convention (document C/58/18);
 - (d) Development of guidance and documents proposed for adoption by the Council (document SESSIONS/2024/2);
 - (e) Financial statements for 2023 (document C/58/9);
 - (f) UPOV Performance Report 2022-2023 (document C/58/2)
 - (g) Report of the External Auditor (document C/58/10)
 - (h) Procedure for the appointment of the External Auditor (document C/58/14);
 - (i) Arrears in contributions as of September 30, 2024 (document C/58/11)
 - (j) Press Release (C/58/16)

DECISIONS

3. Based on the recommendations of the Consultative Committee, the Council is invited to:
 - (a) agree to discontinue the restricted area of the UPOV website;
 - (b) revise document UPOV/INF/15 "Guidance for members of UPOV", as provided below, and to remove document UPOV/INF/20 "Rules Governing Access to UPOV Documents" from the UPOV website:

PROPOSED REVISIONS TO DOCUMENT UPOV/INF/15/3 "GUIDANCE FOR MEMBERS OF UPOV"
(DOCUMENT UPOV/INF/15/4)

PART I. RESPONSIBILITIES AS A UPOV MEMBER

Section 1. Notifications concerning the representatives and alternates to the Council

[...]

Responsibilities of the representative

10. One of the responsibilities of the representative to the Council is to appoint persons to the relevant UPOV bodies and to ~~decide on persons to be given access to UPOV documents in the restricted area of the UPOV website (see Rules Governing Access to UPOV Documents: [document UPOV/INF/20](#)).~~

11. Upon receipt of the notification, the Office of the Union will:

~~(a) communicate to the representative that has been officially appointed the User Id and password corresponding to that member of the Union. The User Id and password will enable access to the restricted area of the UPOV website in order to download documents (<http://www.upov.int/restrict/meetings/en/>);~~

~~(b)~~ draw the attention to the UPOV structure diagram of the UPOV bodies (<http://www.upov.int/about/en/organigram.html>) and will ask the representative to provide the names and contact details of the “designated persons” to the Council, the Consultative Committee, the Administrative and Legal Committee (CAJ), Technical Committee (TC) and Technical Working Parties (TWP). The Office of the Union will, if appropriate, attach the existing list for the relevant member of the Union, for confirmation or updating. The designated persons by the representative will receive copies of the invitations to the sessions of the relevant UPOV bodies and the corresponding notifications of the posting of documents for those sessions;

~~(c) send a copy of the Rules Governing Access to UPOV Documents ([document UPOV/INF/20](#)) to guide the representative in the distribution of the User Id and password. Any person from the member of the Union making a request to the Office of the Union for access to documents in the restricted area of the UPOV website will be invited to contact the representative; and~~

~~(d)~~ request the representative to provide the contact details of the authority entrusted with the task of granting breeders’ rights in accordance with Article 30(1)(ii) of the 1991 Act of the UPOV Convention, for publication under the section “Directory of PVP Offices” of the UPOV website (http://www.upov.int/members/en/pvp_offices.html).

4. Based on the recommendations of the Consultative Committee, the Council is invited to authorize the use of UPOV e PVP by States and organizations in the process of becoming UPOV members, as follows (see paragraphs 50 and 51 of document CC/102/11):

- (a) Have positive advice from the Council on the conformity of the legislation with the UPOV Convention
- (b) The use of e-PVP would be authorized during a trial period of three years.
- (c) Other criteria could be established to ensure effective use of resources. The use of UPOV e-PVP by any State and organization in the process of becoming UPOV member would be periodically reported to the Consultative Committee in the information document “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.”

REPORT

5. The work of the Consultative Committee at its hundred and second session is reproduced in the following paragraphs:

Opening of the session

6. The Consultative Committee held its hundred and second session in hybrid format on October 24 and on the morning of October 25, 2024. The list of participants is reproduced in the Annex to this document.

7. The session was opened and chaired by Mr. Yehan Cui (China), President of the Council, who welcomed the participants.
8. The Consultative Committee noted the intervention by the Secretary-General.
9. The Chair reported that Armenia had deposited its instrument of accession to the 1991 Act of the UPOV Convention on February 2, 2024, and had become bound by the 1991 Act on March 2, 2024. Armenia became the 79th member of the Union on March 2, 2024.
10. The Consultative Committee noted the staff developments reported by the Vice Secretary-General.

Extension of the appointment of the Vice Secretary-General

11. The Consultative Committee considered document C/58/4.
12. The Consultative Committee recommended to the Council to:
 - (i) extend the appointments of the Vice Secretary-General and of the Director of Legal Affairs and the promotion of the Director of Global Development and Technical Affairs from October 15, 2025 until October 14, 2028; and
 - (ii) decide that after October 14, 2028, the duration of the appointment of the Director of Legal Affairs, and of the promotion of the Director of Global Development and Technical Affairs, is no longer linked to the duration of the appointment of the Vice Secretary-General.

Developments on the Draft Law on Plant Variety Protection of the United Arab Emirates

13. The Consultative Committee considered document C/58/17.
14. The Consultative Committee:
 - (a) noted that certain provisions of the Draft Law on Plant Variety Protection of the United Arab Emirates, as last modified in 2024, contained changes in relation to the text of the corresponding provisions of the Draft Law submitted to the Council in 2020 (Council decision by correspondence, initiated by UPOV Circular E-20/101 of July 28, 2020);
 - (b) agreed that the changes introduced in the Draft Law on Plant Variety Protection of the United Arab Emirates, as last modified in 2024 (Draft Law of 2024), presented in Annex II to document C/58/17, did not affect the substantive provisions of the 1991 Act of the UPOV Convention and, subject to that agreement,
 - (c) recommended to the Council to reaffirm the decision on conformity of July 28, 2020, and to request the Office of the Union to inform the Government of the United Arab Emirates that, once the Draft Law of 2024 was adopted with no changes, the instrument of accession of the United Arab Emirates might be deposited.

Examination of the conformity of the Law on Intellectual Property, Part IV New Plant Variety, of the Lao People's Democratic Republic with the 1991 Act of the UPOV Convention

15. The Consultative Committee considered document C/58/18.
16. The Consultative Committee recommended to the Council to:
 - (a) note the analysis in document C/58/18;
 - (b) take a positive decision on the conformity of the Law with the provisions of the 1991 Act, which allowed the Lao People's Democratic Republic to deposit its instrument of accession to the 1991 Act; and
 - (c) authorize the Secretary-General to inform the Government of the Lao People's Democratic Republic of the above decision.

Development of guidance and documents proposed for adoption by the Council

17. The Consultative Committee considered document SESSIONS/2024/2 in conjunction with the conclusions of the Technical Committee (TC) at its sixtieth session, held in Geneva on October 21 and 22, 2024 (see document TC/60/8 "Report") and the conclusions of the Administrative and Legal Committee (CAJ) at its eighty-first session, held in Geneva on October 23, 2024 (see document CAJ/81/7 "Report").

I. DOCUMENTS PROPOSED FOR ADOPTION BY THE COUNCIL IN 2024

Documents for adoption by the Council, subject to agreement by the TC and the CAJ

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/13 Draft 1)

18. The Consultative Committee noted that the TC and the CAJ, at their sessions in 2024, had approved the revision of document UPOV/INF/16/12 "Exchangeable Software", on the basis of document UPOV/INF/16/13 Draft 1.

19. The Consultative Committee recommended to the Council to adopt the proposed revisions to document UPOV/INF/16/12 "Exchangeable Software", on the basis of document UPOV/INF/16/13 Draft 1.

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/11 Draft 1)

20. The Consultative Committee noted that the TC and the CAJ, at their sessions in 2024, had approved the revision of document UPOV/INF/22/10 "Software and equipment used by members of the Union", on the basis of document UPOV/INF/22/11 Draft 1.

21. The Consultative Committee recommended to the Council to adopt the proposed revisions to document UPOV/INF/22/10 "Software and equipment used by members of the Union", on the basis of document UPOV/INF/22/11 Draft 1.

UPOV/EXN/DEN: Explanatory Notes on Variety Denominations under the UPOV Convention (Revision) (document SESSIONS/2024/2)

22. The Consultative Committee noted that the TC and the CAJ, at their sessions in 2024, had approved the revision of document UPOV/EXN/DEN/3 "Explanatory Notes on Variety Denominations under the UPOV Convention" on the basis of the proposed revisions presented in document SESSIONS/2024/2, Annex I, section "Proposal: New variety denomination classes for Prunus" with the following amendment (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~striketrough~~):

"c) The ~~registered~~ proposed ~~denominations~~ of ~~an~~ interspecific hybrid ~~variety~~ with parents from different classes within a genus should be different from introduced denominations in ~~all~~ the classes ~~within a genus~~ of all the parent species. The UPOV code for an interspecific hybrid variety with parents from different classes within a genus should be associated with the variety denomination classes of all the parent species.

23. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/EXN/DEN/3 "Explanatory Notes on Variety Denominations under the UPOV Convention" (document UPOV/EXN/DEN/4), on the basis of the proposed revisions presented in document SESSIONS/2024/2, Annex I, section "Proposal: New variety denomination classes for Prunus" with the amendments agreed by the TC and the CAJ

TGP/7: Development of Test Guidelines (Revision) (document SESSIONS/2024/2)

Additional Standard Wording (ASW) 3 "Explanation of the growing cycle"

24. The Consultative Committee noted that the TC and the CAJ, at their sessions in 2024, had approved the revision of document TGP/7 "Development of Test Guidelines".

25. The Consultative Committee recommended to the Council to adopt a revision of document TGP/7/9 "Development of Test Guidelines", on the basis of the proposed amendments presented in paragraph 20 of document SESSIONS/2024/2, reproduced below (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~striketrough~~):

“(a) Fruit species with clearly defined dormant period

“3.1.2 The growing cycle is considered to be the duration of a single growing season, beginning with the dormancy period, followed by bud burst (flowering and/or vegetative), flowering and fruit harvest and concluding when the following dormant period starts ~~ends with the swelling of new season buds.~~”

TGP/12: Guidance on Certain Physiological Characteristics (Revision) (document SESSIONS/2024/2)

Equivalence table for states of expression in quantitative disease resistance characteristics in Test Guidelines

26. The Consultative Committee noted that the TC and the CAJ, at their sessions in 2024, had approved the revision of document TGP/12 “Guidance on Certain Physiological Characteristics” with the following amendment to the disposition of information in the table to be presented as follows:

“Table 2: States of expression in Test Guidelines and terminology used in the vegetable seed sector:

<i>States of expression in Test Guidelines:</i>		
Resistance to [disease name]	note	state
	1	absent or low
	2	medium
	3	high
<i>Terminology used in the vegetable seed sector:</i>		
Reaction of a plant variety to a specific pest ¹	Susceptibility (S)	
	Intermediate Resistance (IR)	
	High Resistance (HR)	

27. The Consultative Committee recommended to the Council to adopt a revision of document TGP/12/4 “Guidance on Certain Physiological Characteristics”, on the basis of the proposed amendments presented in document SESSIONS/2024/2, Annex II, section “Proposal”, with the amendments agreed by the TC and the CAJ.

Documents for adoption by the Council, subject to agreement by the CAJ

UPOV/EXN/PPM: Explanatory Notes on Propagating Material under the UPOV Convention (Revision) (document UPOV/EXN/PPM/2 Draft 1)

28. The Consultative Committee noted that the CAJ, at its session in 2024, had approved the revision of document UPOV/EXN/PPM “Explanatory Notes on Propagating Material under the UPOV Convention”.

29. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/EXN/PPM/1 “Explanatory Notes on Propagating Material under the UPOV Convention”, on the basis of the proposed revisions presented in document UPOV/EXN/PPM/2 Draft 1.

Other documents for adoption by the Council

UPOV/INF/6: Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (Revision) (document SESSIONS/2024/2, Annex VI)

30. The Consultative Committee noted that the CAJ, at its session in 2024, had approved the proposed revisions of documents UPOV/EXN/DEN/3 and UPOV/EXN/PPM/1.

¹ source: <https://worldseed.org/>

31. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/6 “Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention” (document UPOV/INF/6/7), on the basis of the revisions in document UPOV/EXN/EDV/3 adopted by the Council at its session in 2023, and the proposed revisions of documents UPOV/EXN/DEN/3 and UPOV/EXN/PPM/1, as set out in Annex VI to document SESSIONS/2024/2.

UPOV/INF/15: Guidance for Members of UPOV (Revision) (document CC/102/6)

UPOV/INF/20: Rules governing access to UPOV documents (Revocation) (document CC/102/6)

32. Under agenda item 16 “Communication strategy”, the Consultative Committee agreed to discontinue the restricted area of the UPOV website (see document CC/102/6, paragraphs 15 to 21).

33. As a result, the Consultative Committee recommended to the Council to revise document UPOV/INF/15 “Guidance for members of UPOV”, as provided in the Annex to document CC/102/6, and to remove document UPOV/INF/20 “Rules Governing Access to UPOV Documents” from the UPOV website:

PROPOSED REVISIONS TO DOCUMENT UPOV/INF/15/3 “GUIDANCE FOR MEMBERS OF UPOV” (DOCUMENT UPOV/INF/15/4)

PART I. RESPONSIBILITIES AS A UPOV MEMBER

Section 1. Notifications concerning the representatives and alternates to the Council

[...]

Responsibilities of the representative

10. One of the responsibilities of the representative to the Council is to appoint persons to the relevant UPOV bodies ~~and to decide on persons to be given access to UPOV documents in the restricted area of the UPOV website (see Rules Governing Access to UPOV Documents: [document UPOV/INF/20](#)).~~

11. Upon receipt of the notification, the Office of the Union will:

~~(a) communicate to the representative that has been officially appointed the User Id and password corresponding to that member of the Union. The User Id and password will enable access to the restricted area of the UPOV website in order to download documents (<http://www.upov.int/restrict/meetings/en/>);~~

~~(b)~~ draw the attention to the UPOV structure diagram of the UPOV bodies (<http://www.upov.int/about/en/organigram.html>) and will ask the representative to provide the names and contact details of the “designated persons” to the Council, the Consultative Committee, the Administrative and Legal Committee (CAJ), Technical Committee (TC) and Technical Working Parties (TWPs). The Office of the Union will, if appropriate, attach the existing list for the relevant member of the Union, for confirmation or updating. The designated persons by the representative will receive copies of the invitations to the sessions of the relevant UPOV bodies and the corresponding notifications of the posting of documents for those sessions;

~~(c) send a copy of the Rules Governing Access to UPOV Documents ([document UPOV/INF/20](#)) to guide the representative in the distribution of the User Id and password. Any person from the member of the Union making a request to the Office of the Union for access to documents in the restricted area of the UPOV website will be invited to contact the representative; and~~

~~(d)~~ request the representative to provide the contact details of the authority entrusted with the task of granting breeders’ rights in accordance with Article 30(1)(ii) of the 1991 Act of the UPOV Convention, for publication under the section “Directory of PVP Offices” of the UPOV website (http://www.upov.int/members/en/pvp_offices.html).

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision)
(document UPOV/INF-EXN/18 Draft 1)

34. The Consultative Committee recommended to the Council to adopt the proposed revisions to document UPOV/INF-EXN: "List of UPOV/INF-EXN Documents and Latest Issue Dates", on the basis of document UPOV/INF-EXN/18 Draft 1.

TGP/0: List of TGP Documents and Latest Issue Dates (Revision) (document TGP/0/16 Draft 1)

35. The Consultative Committee recommended to the Council to adopt the proposed revisions to document TGP/0 "List of TGP Documents and Latest Issue Dates", on the basis of document TGP/0/16 Draft 1.

Preparation of the Program and Budget for the 2026-2027 Biennium

36. The Consultative Committee considered document CC/102/2.

37. The Consultative Committee noted that the following steps would be followed to ensure sufficient opportunity for the Consultative Committee to consider the Draft Program and Budget for 2026-2027 before presentation to the Council in October 2025:

(a) preparation of a complete, preliminary Draft Program and Budget for 2026-2027, to be circulated to members of the Union by February 28, 2025, with 6 weeks for comments, on the basis of:

(i) document CC/102/3 "Strategic Business Plan", in conjunction with the conclusions of the Consultative Committee at its hundred and second session;

(ii) document CC/102/4 "UPOV e PVP development and financing", in conjunction with the conclusions of the Consultative Committee at its hundred and second session;

(iii) any subsequent developments; and

(b) presentation of a Draft Program and Budget for 2026-2027 by September 1, 2025, in accordance with the Financial Regulations and Rules of UPOV (document UPOV/INF/4), for consideration by the Consultative Committee on October 23, 2025, and by the Council on October 24, 2025.

38. The Consultative Committee noted that in the event of any objections to the preliminary Draft Program and Budget for 2026-2027 that was circulated to members of the Union by February 28, 2025, a revised preliminary draft would be circulated in May 2025 with 6 weeks for comments.

Financial statements for 2023

39. The Consultative Committee considered document C/58/9.

40. The Consultative Committee recommended to the Council to approve the Financial Statements for 2023.

UPOV Performance Report 2022-2023

41. The Consultative Committee considered document C/58/2.

42. The Consultative Committee noted the UPOV Performance Report (UPR) 2022-2023 and endorsed the proposal to include in future UPR the statistics of the period covered by the UPR.

Report of the External Auditor

43. The Consultative Committee considered document C/58/10

44. The Consultative Committee noted the Report of the External Auditor contained in document C/58/10.

Procedure for the appointment of the External Auditor

45. The Consultative Committee considered document C/58/14.
46. The Consultative Committee recalled that
- (a) the WIPO General Assembly held its Sixty-Fourth (64th ordinary) Session in Geneva from July 6 to 14, 2023, and “appointed the Audit Board of Indonesia as the WIPO External Auditor for a period of six years to begin on January 1, 2024”;
 - (b) the Council, at its fifty-seventh ordinary session, held in Geneva, on October 27, 2023, designated Switzerland, with its agreement, as External Auditor of UPOV, for one year, starting from January 2024 to December 2024;
 - (c) the Council further noted that all members of the Union would be part of future consultations for a proposal for the appointment of the External Auditor for UPOV.
47. Due to the extraordinary and exceptional circumstances that, no Auditor General (or official holding the equivalent title) of UPOV member States that were consulted expressed an interest to audit the UPOV accounts starting calendar year 2025 until 2029, the Consultative Committee proposed to the Council the following way forward:
1. Subject to the agreement of the Audit Board of Indonesia, to propose to the Council to designate the Audit Board of Indonesia as the UPOV External Auditor to audit the UPOV accounts for the calendar years 2025-2029.
 2. If the Council so decides, request the Office of the Union to inform the Audit Board of Indonesia of the decision of the Council and invite the Audit Board of Indonesia to consider the above designation.
 3. If the Audit Board of Indonesia agrees to the designation, the Office of the Union to notify the Council accordingly.
 4. The process of designating the UPOV External Auditor is of an administrative nature and does not relate to the substantive provisions on plant breeders’ rights set out in the 1991 Act and the 1978 Act of the UPOV Convention. Therefore, the Council to consider that designating the UPOV External Auditor from a State not a member of UPOV, but a State member of WIPO, is an exceptional ad hoc decision which would in no manner set a precedent for future decisions to be taken by the Council.
 5. On the above basis, the Council to request that the Office of the Union proposes possible amendments to the provisions in the UPOV Financial Regulations and Rules (document UPOV/INF/4/6) relating to the appointment of the External Auditor for consideration of the Council in its session in October 2025.
 6. This exceptional decision is taken to ensure the efficient functioning of UPOV (Article 26 (5)(x) of the 1991 Act and Article 21(h) of the 1978 Act of the Convention).

Arrears in contributions as of September 30, 2024

48. The Consultative Committee considered document C/58/11
49. The Consultative Committee noted the status of payments of contributions as of September 30, 2024, and noted that due to recent payments, Chile, North Macedonia, Uruguay, Uzbekistan, and Republic of Korea, had no arrears.

Strategic Business Plan

50. The Consultative Committee considered document CC/102/3.

51. The Consultative Committee endorsed the proposal on the approach for the development of the section on horizon scanning in the future versions of the SBP, as set out in paragraphs 4 and 5 of document CC/102/3.
52. The Consultative Committee endorsed the proposal for integration of key strategies in the future versions of the SBP, as set out in paragraphs 6 to 27 of document CC/102/3. It further noted that the SBP was a concise document and there would be cross-references in the SBP to the documents with the key strategies identified in document CC/102/3.
53. The Consultative Committee noted the information on UPOV's policy on risk management and endorsed the proposal for development of a risk appetite statement for UPOV, as set out in paragraphs 28 to 33 of document CC/102/3.
54. The Consultative Committee noted that the Office of the Union would report on progress on the above matters at the next session of the Consultative Committee in 2025.

UPOV e-PVP development and financing

55. The Consultative Committee considered document CC/102/4.
56. The Consultative Committee noted the information concerning:
- (i) latest revenue and costs relating to UPOV e-PVP;
 - (ii) funding sources other than the regular budget;
 - (iii) latest and projected coverage of UPOV e-PVP (capacity);
 - (iv) projected revenue and costs of UPOV e-PVP;
 - (v) anticipated funding sources of UPOV e-PVP other than the regular budget; and
 - (vi) incentives by members of the Union for the use of UPOV e-PVP.
57. The Consultative Committee noted the intervention by the Vice Secretary-General that a multi donor fund had been established in the past to support the development of UPOV PRISMA and that that experience could serve as a model for a project to support the development of UPOV e-PVP.
58. The Consultative Committee welcomed the initiatives to promote the use of UPOV PRISMA and the important role of Webinars. It noted the upcoming Webinars with South Africa and United States of America.

Financing of long-term employee benefits

59. The Consultative Committee considered document CC/102/5.
60. The Consultative Committee noted the developments with regard to the financing of long-term after service health insurance.

Communication strategy (documents CC/102/6)

61. The Consultative Committee considered document CC/102/6.
62. The Consultative Committee agreed that the restricted area of the UPOV website would be discontinued making documents available to the public which would improve transparency. The Consultative Committee agreed that removing the restricted area of the UPOV website would require changes to document UPOV/INF/15 "Guidance for members of UPOV" and that document UPOV/INF/20 "Rules Governing Access to UPOV Documents" be revoked.
63. The Consultative Committee agreed to discontinue issuing the present press release. A newsletter, to be published by the Office of the Union, would be issued. The newsletter would include relevant UPOV developments and activities from UPOV members.

64. The Consultative Committee considered the current communication materials of UPOV and agreed that new communication materials be developed in collaboration with UPOV members. Such communication materials should address how plant breeders' rights contribute to achieve the UN sustainable development goals; to address climate change; to deliver high-quality plant materials to farmers and growers; and to address misconceptions on UPOV.

65. The Consultative Committee noted the announcement of the Delegation of Japan to contribute with possible additional resources to the development of communication materials.

66. On the above basis, the Consultative Committee:

(a) recommended to the Council to:

- (i) discontinue the restricted area of the UPOV website;
- (ii) revise document UPOV/INF/15 "Guidance for members of UPOV", as provided in the Annex to document CC/102/6;
- (iii) remove document UPOV/INF/20 "Rules Governing Access to UPOV Documents";

(b) agreed to discontinue the procedure of proposing press releases for adoption by the Council to communicate developments during the UPOV sessions;

(c) requested the UPOV Office to organize a newsletter with updates from UPOV and its members, key developments during the UPOV sessions, and additional information relevant for PVP matters;

(d) supported the Office of the Union to engage with UPOV members and observers for promoting activities and communication materials on the benefits of UPOV;

(e) noted the developments reported in document CC/102/6; and

(f) noted that results related to the Communication Strategy were presented in the Performance Report for the 2022-2023 Biennium (document C/58/2).

Program for the use of the Russian language in UPOV

67. The Consultative Committee considered document CC/102/7.

68. The Consultative Committee noted the developments reported in document CC/102/7.

Program for the use of the Chinese language in UPOV

69. The Consultative Committee considered document CC/102/8.

70. The Consultative Committee noted the developments reported in document CC/102/8.

New developments in members of the Union

71. The Consultative Committee considered document CC/102/9.

72. The Consultative Committee noted the presentations from China and the United Kingdom on new cutting-edge technologies, such as artificial intelligence, which had been published on the UPOV website.

73. The Consultative Committee noted that the Technical Committee had agreed to organize in 2025 an open discussion on "New Technologies in DUS Testing".

74. The Consultative Committee agreed to invite members of the Union to present new developments at the hundred and third session of the Consultative Committee, as set out in paragraphs 8 and 9 of document CC/102/9.

Report on the Working Group on Guidance concerning Smallholder Farmers in relation to private and non-commercial use (WG-SHF) (documents CC/102/10 and CC/102/10 Add.)

75. The Consultative Committee considered documents CC/102/10 and received an oral report on the sixth meeting of WG-SHF held in Geneva on October 23, 2024, as presented in document and CC/102/10 Add.

76. The Consultative Committee agreed that the Office of the Union would organize a seminar in October 2026.

77. The Consultative Committee agreed that the Office of the Union would reach out to UPOV members that took the floor during its hundred and second session to identify proposals for the draft program and examples and data to be presented during the seminar.

78. On the above basis, a draft program of a seminar would be presented for consideration by the Consultative Committee during its hundred and third session on October, 24 2025.

79. The Consultative Committee agreed that no meetings of the WG-SHF would be organized before the Seminar. It was agreed that the work of the WG-SHF would be channelled as a contribution to assist in the organization of the Seminar.

Training and assistance strategy

80. The Consultative Committee considered document CC/102/11.

81. The Consultative Committee recommended to the Council to authorize the use of UPOV e-PVP by States and organizations in the process of becoming UPOV members, as follows (see paragraphs 50 and 51 of document CC/102/11):

- (d) Have positive advice from the Council on the conformity of the legislation with the UPOV Convention
- (e) The use of e-PVP would be authorized during a trial period of three years.
- (f) Other criteria could be established to ensure effective use of resources. The use of UPOV e-PVP by any State and organization in the process of becoming UPOV member would be periodically reported to the Consultative Committee in the information document "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."

82. The Consultative Committee recalled the Council priorities for training and assistance, as follows:

"The Council has established that the priority for providing assistance by the Office of the Union is as follows:

- "(i) assistance to existing members of the Union;
- "(ii) assistance to States and certain organizations that are not members of the Union, particularly governments of developing countries and countries in transition to a market economy, in the development of legislation in line with the 1991 Act of the UPOV Convention and their accession to the UPOV Convention; and
- "(iii) assistance to States and certain organizations that are not members of the Union, in the implementation of legislation that has received a positive decision of the Council, according to their commitment to accede to the UPOV Convention."

83. The Consultative Committee requested the Office of the Union to provide a list of States and organizations in the process of becoming UPOV members that would be eligible to use UPOV e-PVP following the priorities for training and assistance agreed by the Council. It was suggested that the list be presented in future versions of the information document "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".

Developments of relevance to UPOV in other international fora

84. The Consultative Committee noted the developments reported in document CC/102/12.

Matters for information

85. The Consultative Committee noted the following documents under item 23 “Matters for information”:
- (a) Internal oversight and the WIPO Independent Advisory Oversight Committee (IAOC) (document CC/102/INF/2)
 - (b) 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 (document CC/102/INF/3)
 - (c) Observers in UPOV bodies (document CC/102/INF/4)

Draft press release (document C/58/16 Prov.)

86. The Consultative Committee agreed to propose to the Council to discontinue the procedure to submit press releases for adoption, as reported under agenda item “Communication strategy.”

87. The Consultative Committee recalled that under agenda item “Communication strategy” it had agreed to invite the Office of the Union to prepare newsletters reporting developments relevant for PVP and UPOV.

Program for the hundred and third session

88. The following program was agreed for the hundred and third session of the Consultative Committee to be held on October 23, 2025:

1. Opening of the session
2. Adoption of the agenda
3. Preliminary examination of the conformity of the legislation or proposed legislation of any State or organization having submitted a request under Article 34(3) of the 1991 Act of the UPOV Convention
4. Development of guidance and documents proposed for adoption by the Council
5. Financial statements for 2024
6. UPOV Performance Report for 2024
7. Report of the External Auditor
8. Procedure on the Appointment of the External Auditor
9. Arrears in contributions as of September 30, 2025
10. Program and Budget for the 2026-2027 Biennium
11. Strategic Business Plan
12. UPOV e-PVP development and financing
13. Financing of long-term employee benefits
14. Communication strategy
15. Program for the use of the Russian language in UPOV
16. Program for the use of the Chinese language in UPOV

17. New developments in members of the Union
 18. Proposals for a seminar to take place in 2026
 19. Training and assistance strategy
 20. Developments of relevance to UPOV in other international fora
 21. Matters for information:
 - (a) Internal oversight and the WIPO Independent Advisory Oversight Committee (IAOC)
 - (b) 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
 - (c) Observers in UPOV bodies
 22. Draft press release
 23. Program for the hundred and fourth session
 24. Adoption of the report on the conclusions (if time permits)
 25. Closing of the session
89. The Council is invited to note the work of the Consultative Committee.

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