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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL**Twenty-Fifth Extraordinary Session
Geneva, April 11, 2008**

ADOPTION OF DOCUMENTS

TGP/4/1 "CONSTITUTION AND MAINTENANCE OF VARIETY COLLECTIONS"
AND TGP/9/1 "EXAMINING DISTINCTNESS"*Document prepared by the Office of the Union*

1. The Council is invited to consider the documents TGP/4/1 Draft 10 "Constitution and Maintenance of Variety Collections" and TGP/9/1 Draft 10 "Examining Distinctness". The French, German and Spanish translations of documents TGP/4/1 Draft 10 and TGP/9/1 Draft 10 have been reviewed by the relevant members of the Editorial Committee.

2. The text in documents TGP/4/1 Draft 10 and TGP/9/1 Draft 10 was agreed by the Technical Committee (TC) at its forty-third session, held in Geneva, from March 26 to 28, 2007, and by the Administrative and Legal Committee (CAJ), at its fifty-fifth session, held in Geneva on March 29, 2007. Documents TGP/4/1 Draft 10 and TGP/9/1 Draft 10 were scheduled to be considered by the Council at its forty-first ordinary session, held in Geneva on October 25, 2007 (see document C/41/13). However, at its seventy-fourth session, held in Geneva on October 24, 2007, the Consultative Committee made a preliminary examination of documents TGP/4/1 Draft 10 and TGP/9/1 Draft 10 and made the following recommendations:

"(a) reference to "Examples of contracts / agreements between authorities and breeders" in section 3.1.2.2.2 of document TGP/4/1 Draft 10 should be replaced by "Examples of policies and contracts for material submitted by the breeder" in accordance with the change of title to Section 11 in document TGP/5 "Experience and Cooperation in DUS Testing" agreed by the Administrative and Legal Committee (CAJ) at its fifty-sixth session on October 22 and 23, 2007;

[...]

“(c) in response to the comments made by some delegations concerning the need for editorial improvements, the Consultative Committee agreed that a circular be sent to the Consultative Committee, the Technical Committee (TC) and the CAJ providing an opportunity to comment within four weeks on documents TGP/4/1 Draft 10, [and] TGP/9/1 Draft 10 [...]. Based on the comments received, new drafts of those documents would be prepared for consideration by the Editorial Committee (TC-EDC) at its meeting on January 8, 2008. Relevant drafts incorporating the comments by the TC-EDC would subsequently be presented to the TC, the CAJ, the Consultative Committee and the Council in April 2008.”

3. In accordance with the recommendations of the Consultative Committee, circular E-606 was issued, inviting comments on documents TGP/4/1 Draft 10 and TGP/9/1 Draft 10 to be sent to the Office of the Union.

TGP/4 “Constitution and Maintenance of Variety Collections”

4. The Office of the Union received comments from Ukraine on document TGP/4/1 Draft 10, in response to circular E-606. The Office of the Union, in conjunction with the Chairman of the TC, Mr. Chris Barnaby (New Zealand), and the President of the Council, Mr. Doug Waterhouse (Australia), agreed that those comments and the recommendations of the Consultative Committee could be considered by the TC-EDC without the preparation of a new draft of document TGP/4/1. The TC-EDC considered the comments received at its meeting on January 8, 2008 and agreed that those comments could be addressed by the TC at its forty-fourth session, to be held in Geneva from April 7 to 9, 2008, without the need for a new draft of document TGP/4/1. Those comments and proposals, and the recommendations of the TC, will be considered by the CAJ at its fifty-seventh session, to be held in Geneva on April 10, 2008. Any amendments to document TGP/4/1 Draft 10, proposed by the TC and CAJ, will be reported to the Council at its twenty-fifth extraordinary session in the form of an addendum to this document.

5. The Council is invited to adopt document TGP/4/1 “Constitution and Maintenance of Variety Collections” on the basis of document TGP/4/1 Draft 10 and any amendments proposed by the TC and CAJ, as set out in paragraph 4.

TGP/9 “Examining Distinctness”

6. The Office of the Union received no comments on document TGP/9/1 Draft 10 in response to circular E-606 and, therefore, it has not been necessary to produce a new draft of that document for consideration by the TC-EDC, TC, CAJ or Council.

7. The Council is invited to adopt document TGP/9/1 “Examining Distinctness” on the basis of document TGP/9/1 Draft 10.

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