



C(Extr.)/25/8

ORIGINAL: English

DATE: April 10, 2008

**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**COUNCIL**

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

PROPOSED DECISION OF THE COUNCIL OF UPOV  
FOR CONSIDERATION BY THE CONFERENCE OF THE PARTIES OF THE  
CONVENTION ON BIOLOGICAL DIVERSITY AT ITS NINTH MEETING  
TO BE HELD IN BONN, GERMANY, FROM MAY 19 TO 30, 2008

*Document prepared by the Office of the Union*

1. The Consultative Committee, at its seventy-fifth session held in Geneva on April 10 and 11, 2008, recommended that the Council of UPOV decide to request the Conference of the Parties of the Convention on Biological Diversity (CBD), at its Ninth Meeting, to consider the inclusion of the following elements in a decision relating to the “Recommendation of the Working Group on Access and Benefit-Sharing at its Sixth Meeting on Possible Elements of a Decision on Access and Benefit-Sharing for the Consideration of the Conference of the Parties at its Ninth Meeting”:

1. In the first page (considerations):

*“Recognizing that UPOV supports the view that the Convention on Biological Diversity (CBD) and the UPOV Convention, should be mutually supportive.”*

2. In the guidance for further negotiation of an international regime on access to genetic resources and benefit-sharing:

“Further instructs the *Ad Hoc* Open-ended Working Group on Access and Benefit-Sharing that any provisions which it develops for an international regime on access to genetic resources and benefit-sharing should ensure mutual supportiveness with the UPOV Convention.”

2. A draft letter to the Executive Secretary of the Secretariat of the CBD containing that recommended decision is reproduced in the Annex to this document.

3. *The Council is invited to:*

(a) *adopt the decision, as set out in paragraph 1 of this document; and*

(b) *agree that the draft letter in the Annex to this document be sent to the Executive Secretary of the Secretariat of the CBD.*

[Annex follows]

ANNEX

DRAFT LETTER  
TO THE EXECUTIVE SECRETARY OF THE SECRETARIAT OF  
THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)  
CONTAINING A DECISION OF THE COUNCIL OF UPOV FOR CONSIDERATION BY  
THE CONFERENCE OF THE PARTIES OF THE CBD AT ITS NINTH MEETING  
TO BE HELD IN BONN, GERMANY, FROM MAY 19 TO 30, 2008

Dear Dr. Ahmed Djoghlaif,

I have the pleasure to refer to the “Recommendation of the Working Group on Access and Benefit-Sharing at its Sixth Meeting on Possible Elements of a Decision on Access and Benefit-Sharing for the Consideration of the Conference of the Parties at its Ninth Meeting”.

As of [April 10, 2008,] 65 members of the International Union for the Protection of New Varieties of Plants (UPOV) are signatories of the Convention on Biological Diversity (CBD) and 64 members of UPOV have already ratified or acceded to the CBD.

The reply of UPOV to the Notification of June 26, 2003, from the Executive Secretary of the CBD on UPOV’s views on the process, nature, scope, elements and modalities of an international regime on access to genetic resources and benefit-sharing<sup>1</sup> supported the view that the CBD and the UPOV Convention should be mutually supportive.

On that basis, the Council of UPOV, at its twenty-fifth extraordinary session, held in Geneva, on April 11, 2008, decided to:

“request the Conference of the Parties of the Convention on Biological Diversity (CBD), at its Ninth Meeting, to consider the inclusion of the following elements in a decision relating to the ‘Recommendation of the Working Group on Access and Benefit-Sharing at its Sixth Meeting on Possible Elements of a Decision on Access and Benefit-Sharing for the Consideration of the Conference of the Parties at its Ninth Meeting’:

“1. In the first page (considerations):

“*Recognizing* that UPOV supports the view that the Convention on Biological Diversity (CBD) and the UPOV Convention, should be mutually supportive.”<sup>2</sup>

/...

---

<sup>1</sup> UPOV’s reply of 2003 is included in document UNEP/CBD/WG-ABS/3/INF/1 and can be found at: [http://www.upov.int/en/news/2003/intro\\_cbd.html](http://www.upov.int/en/news/2003/intro_cbd.html)

<sup>2</sup> See paragraph 3 of UPOV’s reply of 2003.

“2. In the guidance for further negotiation of an international regime on access to genetic resources and benefit-sharing:

“Further instructs the *Ad Hoc* Open-ended Working Group on Access and Benefit-Sharing that any provisions which it develops for an international regime on access to genetic resources and benefit-sharing should ensure mutual supportiveness with the UPOV Convention.”<sup>3</sup>

Sincerely yours,

Kamil Idris  
Secretary-General

[End of Annex and of document]

---

<sup>3</sup> See paragraph 16 of UPOV’s reply of 2003.