



C(Extr.)/13/4

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DATE: April 19, 1996

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirteenth Extraordinary Session
Rome, April 18, 1996

REPORT

adopted by the Council

Opening of the Session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirteenth extraordinary session in Rome, at the *Istituto Sperimentale per la Patologia Vegetale*, on April 18, 1996, under the chairmanship of Mr. Bill Whitmore (New Zealand), President of the Council.
2. The session was opened by the President, who welcomed the participants.
3. The President welcomed in particular the Delegation of Chile, a country which had become the thirtieth member of UPOV on January 5, 1996, and the Delegations of Brazil and Ecuador.
4. The list of participants is given in the Annex to this report.

Adoption of the Agenda

5. The Council adopted the agenda as given in document C(Extr.)/13/1, with item 5 being deleted.

Examination of the Conformity of the Legislation of Ecuador with the UPOV Convention

6. Discussions were based on document C(Extr.)/13/2.

7. The Council decided, on the basis of the conclusions drawn by the Office of the Union in paragraphs 47 and 48 of document C(Extr.)/13/2,

(a) to take a positive decision on the conformity of the legislation of Ecuador with the provisions of the 1978 Act, and to note that the legislation also conformed with the provisions of the 1991 Act,

(b) to authorize the Secretary-General to inform the Government of Ecuador of the above decision and to invite the Government of Ecuador to deposit an instrument of accession to the 1991 Act also, if it so wished.

Examination of the Conformity of the Bill of Brazil with the UPOV Convention

8. Discussions were based on document C(Extr.)/13/3.

9. The Delegation of Brazil thanked the Council for the expeditious consideration of the request by its Government, and underlined that the decision to become a member of UPOV on the basis of the 1978 Act had been taken after a lengthy national debate. It was recognized that the Bill needed adaptation and complements in the implementing regulations for the laws of Brazil to conform entirely to the Convention; however, it was also to be recognized that an expeditious procedure with the National Congress would be best ensured if the proposals for amendments to the Bill were kept to a minimum. The Delegation then gave a number of proposals for the improvement of the English translation of the Bill, none of which was considered to have a significant impact on the substance of the Bill.

10. The Delegation of the Netherlands suggested that the proposed decision should be supplemented by a condition that the Office of the Union should check the conformity of the laws of Brazil before the instrument of accession was accepted. The Council endorsed that suggestion.

11. The Council decided, on the basis of the conclusions drawn by the Office of the Union in paragraphs 37 to 39 of document C(Extr.)/13/3 and the suggestion by the delegation of the Netherlands,

(a) to advise the Government of Brazil that the Bill, when supplemented by Regulations and with the incorporation of suitable amendments, provided the basis for a law conforming with the 1978 Act,

(b) to request the Office of the Union to offer its assistance to the Government of Brazil in respect of the amendments that were necessary to achieve conformity,

(c) to further advise the Government of Brazil that

(i) after the enactment into law of the Bill incorporating the amendments suggested by the Office of the Union, but without other substantial changes, and the making of necessary Regulations, and

(ii) after consultation of the Office of the Union as to whether the amendments and Regulations were adequate,

it may deposit an instrument of accession to the 1978 Act (provided that such Act remained open to accession at the date of the proposed deposit).

12. *This report was unanimously adopted by the Council at its meeting of April 19, 1996.*

[Annex follows]

ANNEXE/ANNEX/ANLAGE/ANEXO

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS/TEILNEHMERLISTE/
LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des États/in the alphabetical order of the names
in French of the States/in alphabetischer Reihenfolge der französischen Namen der Staaten/
por orden alfabético de los nombres en francés de los Estados)

I. ÉTATS MEMBRES/MEMBER STATES/VERBANDSSTAATEN/
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