



C(Extr.)/14/7
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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Fourteenth Extraordinary Session
Geneva, April 29, 1997

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 fourteenth extraordinary session in Geneva, on April 29, 1997, under the chairmanship of Mr. Bill Whitmore (New Zealand).
2. The session was opened by the President, who welcomed the participants.
3. The President welcomed in particular the Delegation of Paraguay, a country which had become the thirty-second member of UPOV on February 8, 1997, and the Delegations of the European Community, Morocco and the Republic of Moldova.
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.)/14/1, after having agreed to add an item on the closing of the 1978 Act with the entry into force of the 1991 Act.

Examination of the Conformity of the Legislation of the Republic of Moldova with the UPOV Convention

6. Discussions were based on document C(Extr.)/14/2.

7. The Council decided, on the basis of the conclusions drawn by the Office of the Union in paragraphs 24 and 25 of document C(Extr.)/14/2,

(a) to give a positive advice on the conformity of the legislation of the Republic of Moldova with the provisions of the 1991 Act,

(b) to authorize the Secretary-General to inform the Government of the Republic of Moldova of the above decision, whilst drawing its attention to the departures from conformity referred to in paragraphs 5 and 8 of document C(Extr.)/14/2, and also the departure, in Article 1 of the Law on the Protection of Plant Varieties, from the definition of variety given in Article 1(vi) of the 1991 Act.

Examination of the Conformity of the Regulations of the European Community with the UPOV Convention

8. Discussions were based on document C(Extr.)/14/3.

9. The Council decided, on the basis of the conclusions drawn by the Office of the Union in paragraph 38 of document C(Extr.)/14/3,

(a) to give a positive advice on the conformity of the regulations of the European Community with the provisions of the 1991 Act,

(b) to authorize the Secretary-General to inform the authorities of the European Community of the above decision.

Examination of the Conformity of the Legislation of the Kingdom of Morocco with the UPOV Convention

10. Discussions were based on document C(Extr.)/14/4.

11. The Council decided, on the basis of the conclusions drawn by the Office of the Union in paragraphs 23 and 24 of document C(Extr.)/14/4,

(a) to give a positive advice on the conformity of the legislation of the Kingdom of Morocco with the provisions of the 1991 Act,

(b) to authorize the Secretary-General to inform the Government of the Kingdom of Morocco of the above decision.

12. It was recalled that, on previous occasions, the Council had decided that a law conforming to the 1991 Act was to be considered as conforming also to the 1978 Act. Therefore, the Kingdom of Morocco would be able, without further formality, to adhere to

both the 1978 and the 1991 Acts, if it so wishes, in order to establish formal international treaty law relations with all members of UPOV.

Examination of the Conformity of the Legislation of the People's Republic of China with the UPOV Convention

13. Discussions were based on document C(Extr.)/14/5.

14. The Council decided, on the basis of the conclusions drawn by the Office of the Union in paragraphs 27 and 28 of document C(Extr.)/14/5,

(a) to give a positive advice on the conformity of the legislation of the People's Republic of China with the provisions of the 1978 Act,

(b) to authorize the Secretary-General to inform the Government of the People's Republic of China of the above decision.

The Closing of the 1978 Act with the Entry Into Force of the 1991 Act

15. Discussions were based on document C(Extr.)/14/6.

16. The Council decided, upon the recommendation of the Consultative Committee and without taking a vote, to adopt the following decision :

“The Council of the International Union for the Protection of New Varieties of Plants, at its fourteenth extraordinary session held on April 29, 1997, decided that,

even after the coming into force of the 1991 Act of the Convention pursuant to Article 37(1) of that Act, any State which has

(a) asked the Council of UPOV, pursuant to Article 32(3) of the 1978 Act, for its advice in respect of the conformity of its laws with that Act prior to the coming into force of the 1991 Act, and

(b) received positive advice from the said Council or, if that advice recommended certain changes in its laws, changed its laws accordingly to the satisfaction of the Office of the Union

may deposit an instrument of accession to the 1978 Act in accordance with that Act at any time prior to the first anniversary of the coming into force of the 1991 Act.”

17. The Delegations of the United Kingdom, Germany, and the United States of America, without insisting that a vote be taken on this matter, expressed serious doubts as to whether the Council had the power to adopt a decision of this nature and stated that, in any case, the decision could not be considered a precedent. Accordingly, those delegations reserved their position on this decision.

[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/
ESTADOS MIEMBROS

ALLEMAGNE/GERMANY/DEUTSCHLAND/ALEMANIA

Hans Walter RUTZ, Regierungsdirektor, Bundessortenamt, Osterfelddamm 80,
30604 Hannover

ARGENTINE/ARGENTINA/ARGENTINIEN/ARGENTINA

Adelaida HARRIES (Sra.), Presidente, Instituto Nacional de Semillas, Avenida Paseo
Colón 922, 3er Piso, Oficina 302, 1063 Buenos Aires

Diego MALPEDE, Primer Secretario, Misión Permanente, 10, route de l'Aéroport,
1215 Ginebra 15, Suiza

AUTRICHE/AUSTRIA/ÖSTERREICH/AUSTRIA

Reiner HRON, Direktor, Leiter des Sortenschutzamtes, Bundesamt und Forschungszentrum
für Landwirtschaft, Spargelfeldstraße 191, Postfach 400, 1226 Wien

CHILI/CHILE

Rosa MESSINA CRUZ (Sra.), Directora, Departamento de Semillas, Servicio Agrícola y
Ganadero, Avenida Bulnes 140, Casilla 1167-21, Santiago

Javier BECKER, Primer Secretario, Misión Permanente de Chile (OMC), 58, rue de
Moillebeau, 1211 Ginebra, Suiza

COLOMBIE/COLOMBIA/KOLUMBIEN/COLOMBIA

Carlos R. SAENZ VARGAS, Segundo Secretario, Misión Permanente, 17-19, chemin du
Champ-d'Anier, 1209 Ginebra, Suiza

DANEMARK/DENMARK/DÄNEMARK/DINAMARCA

Grethe TARP (Ms.), Head of Department, Danish Plant Directorate, Ministry of Food, Agriculture and Fisheries, Skovbrynet 20, 2800 Lyngby

ESPAGNE/SPAIN/SPANIEN/ESPAÑA

Ricardo LÓPEZ DE HARO Y WOOD, Director Técnico de Certificación y Registro de Variedades, Subdirección General de Semillas y Plantas de Vivero - Registro de Variedades, José Abascal 4, 28003 Madrid

Luis SALAICES, Jefe del Area de Registro de Variedades, Subdirección General de Semillas y Plantas de Vivero, José Abascal 4, 28003 Madrid

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA/VEREINIGTE STAATEN VON AMERIKA/ESTADOS UNIDOS DE AMÉRICA

H. Dieter HOINKES, Senior Counsel, Department of Commerce, United States Patent & Trademark Office, Office of Legislative and International Affairs, Washington, D.C. 20231

FINLANDE/FINLAND/FINNLAND/FINLANDIA

Arto VUORI, Director, Plant Variety Rights Office, Plant Variety Board, Ministry of Agriculture and Forestry, Kaisaniemenkatu 4A, 00170 Helsinki

FRANCE/FRANKREICH/FRANCIA

Nicole BUSTIN (Mlle), Secrétaire général, Comité de la protection des obtentions végétales (CPOV), Ministère de l'agriculture, de la pêche et de l'alimentation, 11, rue Jean Nicot, 75007 Paris

HONGRIE/HUNGARY/UNGARN/HUNGRÍA

Károly NESZMÉLYI, General Director, National Institute for Agricultural Quality Control, Keleti K. u. 24, 1024 Budapest

Gusztáv VÉKÁS, Vice-President, Hungarian Patent Office, Garibaldi u. 2, P.O. Box 552, 1370 Budapest

Jenő KÜRTÖSSY, Deputy Head, Patent Department for Chemistry and Biology, Hungarian Patent Office, Garibaldi u. 2, P.O. Box 552, 1370 Budapest

IRLANDE/IRELAND/IRLAND/IRLANDA

John V. CARVILL, Controller, Department of Agriculture, Food and Forestry, Agriculture House, Kildare Street, Dublin 2

John FINN, First Secretary, Permanent Mission, 45-47, rue de Lausanne, 1211 Geneva 2, Switzerland

ITALIE/ITALY/ITALIEN/ITALIA

Pasquale IANNANTUONO, Conseiller juridique, Service des accords de propriété intellectuelle, Ministère des affaires étrangères, Palazzo Farnesina, Rome

Bernardo PALESTINI, Director, Ministero delle Risorse Agricole, Alimentari e Forestali, 20, via XX Settembre, 00187 Roma

Nelusco NATALI, Mission permanente, 10, chemin de l'Impératrice, 1292 Pregny, Suisse

JAPON/JAPAN/JAPÓN

Ryusuke YOSHIMURA, Advisor, Seeds and Seedlings Divison, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100

Tetsuya OTOMO, Assistant Director, Seeds and Seedlings Divison, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100

Yasuhiro HAMURA, First Secretary, Permanent Mission, 3, chemin des Fins, 1211 Geneva 19, Switzerland

NORVÈGE/NORWAY/NORWEGEN/NORUEGA

Haakon SØNJU, Advisor, Plant Variety Board, Fellesbygget, 1432 Ås-NLH

NOUVELLE-ZÉLANDE/NEW ZEALAND/NEUSEELAND/NUEVA ZELANDIA

Bill WHITMORE, Commissioner of Plant Variety Rights, Plant Variety Rights Office, P.O. Box 24, Lincoln, Canterbury

PARAGUAY

Rodrigo Luis UGARRIZA DIAZ BENZA, Segundo Secretario, Misión Permanente, 28a, chemin du Petit-Saconnex, 1209 Ginebra, Suiza

PORTUGAL

José Sérgio DE CALHEIROS DA GAMA, Conseiller juridique, Mission permanente, 33, rue Antoine-Carteret, 1202 Genève, Suisse

PAYS-BAS/NETHERLANDS/NIEDERLANDE/PAÍSES BAJOS

Gerardus van der LELY, Chairman, Board for Plant Breeders' Rights, Postbus 104, 6700 AC Wageningen

Chris M.M. van WINDEN, Head, Crop Production Division, Ministry of Agriculture, Nature Management and Fisheries, Postbus 20401, 2500 EK The Hague

Johan P. PLUIM MENTZ, Secretary, Board for Plant Breeders' Rights, Postbus 104, 6700 AC Wageningen

ROYAUME-UNI/UNITED KINGDOM/VEREINIGTES KÖNIGREICH/REINO UNIDO

David A. BOREHAM, Controller, Plant Variety Rights Office, Ministry of Agriculture, Fisheries and Food, White House Lane, Huntingdon Road, Cambridge CB3 0LF

Kathleen A. FOX (Miss), Deputy Controller, Plant Variety Rights Office, Ministry of Agriculture, Fisheries and Food, White House Lane, Huntingdon Road, Cambridge CB3 0LF

Judith MARSDEN (Mrs.), Civil Servant, Plant Variety Rights Office and Seeds Division, Ministry of Agriculture, Fisheries and Food, White House Lane, Huntingdon Road, Cambridge CB3 0LF

SLOVAQUIE/SLOVAKIA/SLOWAKEI/ESLOVAQUIA

Alena TUÈKOVÁ (Miss), Department of Foreign Relations, Ministry of Agriculture, Dobrovicova 12, 812 66 Bratislava

Elena DUDOVÁ (Mrs.), Expert for Legal Protection of Plant Varieties and Seeds, Department for Plant Production, Ministry of Agriculture, Dobrovicova 12, 812 66 Bratislava

Juraj SYKORA, Troisième secrétaire, Mission permanente, 9, chemin de l'Ancienne-Route, 1218 Grand-Saconnex, Suisse

SUÈDE/SWEDEN/SCHWEDEN/SUECIA

Karl Olov ÖSTER, Permanent Under-Secretary, Ministry of Agriculture; President, National Plant Variety Board, Drottninggatan 21, 103 33 Stockholm

SUISSE/SWITZERLAND/SCHWEIZ/SUIZA

Paul STEFFEN, Chef Forschungsstab, Bundesamt für Landwirtschaft, Mattenhofstraße 5, 3003 Bern

Pierre Alex MIAUTON, Chef, Service de certification et contrôle des semences, RAC, Changins, 1260 Nyon

UKRAINE/UCRANIA

Yevhen CHULAKOV, Head, Sub-Commission of Agricultural Complex of the Supreme Soviet, 8, Bankova Str. Kyiv

Vladimir ZHAROV, First Deputy Chairman, State Patent Office of Ukraine, 8 Lvivska Ploscha, 254655 Kyiv 53, DSP-655

Sergiy LUNOCHKIN, Deputy Chairman, State Commission of Ukraine for Testing and Protection of Plant Varieties, 9 Suvorov Str., 252010 Kyiv

Oxana JMOURKO (Mrs.), Economic Counsellor, State Commission of Ukraine for Testing and Protection of Plant Varieties, 9 Suvorov St., 252010 Kyiv

Lyudmila SOYBENKO (Mrs.), Staff Officer, State Patent Office of Ukraine, 8 Lvivska Ploscha, 254655 Kyiv 53, DSP-655

URUGUAY

Gustavo E. BLANCO DEMARCO, Director de Semillas, Dirección General Servicios Agrícolas, Ministerio de Ganadería, Agricultura y Pesca, Avenida Millán 4703, 12.900 Montevideo

Carlos SGARBI, Ministro Consejero, Misión Permanente, 65, rue de Lausanne, 1202 Ginebra, Suiza

II. ÉTATS ET ORGANISATIONS OBSERVATEURS/OBSERVER STATES
AND ORGANIZATIONS/BEOBACHTERSTAATEN UND -ORGANISATIONEN/
ESTADOS Y ORGANIZACIONES OBSERVADORES

COMMUNAUTÉ EUROPÉENNE/EUROPEAN COMMUNITY/
EUROPÄISCHE GEMEINSCHAFT/COMUNIDAD EUROPEA

Dieter M.R. OBST, Chef adjoint d'unité, Commission européenne, Loi 84-1/11A, 200, rue de la Loi, 1049 Bruxelles, Belgique

Bart KIEWIET, Président, Office communautaire des variétés végétales, 102, rue de la Loi, 1040 Bruxelles, Belgique

MAROC/MOROCCO/MAROKKO/MARRUECOS

M. Amar TAHIRI, Chef du Bureau du Catalogue officiel, Service du contrôle des semences et plants, Direction de la protection des végétaux, des contrôles techniques et de la répression des fraudes, Ministère de l'agriculture et de la mise en valeur agricole, B.P. 1308, Rabat

RÉPUBLIQUE DE MOLDOVA/REPUBLIC OF MOLDOVA/REPUBLIK MOLDAU/
REPÚBLICA DE MOLDOVA

Nicolai CUTCOVETSKI, Prime Vice-Minister of Agriculture and Food, Ministry of Agriculture and Food, bd. Stefan cel Mare 162, 277004 Chisinau

Dimitri BRYNZILA, President, Ministry for Agriculture and Food, State Commission for Crops Variety Testing and Registration, bd. Stefan cel Mare 162, 277004 Chisinau

Eugeniu I. REVENCO, Director General of Scientific Resources, Ministry of Agriculture and Food, bd. Stefan cel Mare, 162, 277019 Chisinau

III. BUREAU/OFFICERS/VORSITZ/OFICINA

Bill WHITMORE, President
Ryusuke YOSHIMURA, Vice-President

IV. BUREAU DE L'UPOV/OFFICE OF UPOV/BÜRO DER UPOV/
OFICINA DE LA UPOV

Arpad BOGSCH, Secretary-General
Barry GREENGRASS, Vice Secretary-General
André HEITZ, Director-Counsellor
Max-Heinrich THIELE-WITTIG, Senior Counsellor
Nuria URQUÍA (Ms.), Senior Program Officer

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