



C(Extr.)/21/5

ORIGINAL: English

DATE: April 6, 2004

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Twenty-First Extraordinary Session
Geneva, April 2, 2004

REPORT ON THE DECISIONS

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 twenty-first extraordinary session in Geneva on April 2, 2004, chaired by Miss Enriqueta Molina Macías (Mexico), President of the Council.
2. The list of participants is reproduced in the Annex to this document.
3. The session was opened by the President who welcomed the participants.
4. The President extended a warm welcome to the Delegation of Lithuania, a State which had become a member of UPOV on December 10, 2003.

Adoption of the Agenda

5. The Council adopted the agenda, as proposed in document C(Extr.)/21/1, after adding document C(Extr.)/21/4 entitled "Examination of the conformity of the Law of the Republic of Albania on Plant Breeder's Right with the 1991 Act of the UPOV Convention" to item 4, and with the modification of item 6, in which the election of the Chairman of the Technical

Working Party for Agricultural Crops (TWA) was included due to the resignation of the present Chairman, Mr. Carlos Gómez Etchebarne (Uruguay).

Examination of the Conformity of the Law of the Republic of Armenia on the Protection of Selection Achievements with the 1991 Act of the UPOV Convention

Republic of Armenia

6. The Senior Legal Officer introduced document C(Extr.)/21/2.

7. The Council decided to

(a) advise the Government of Armenia that the Law, in its main provisions, incorporates the substance of the 1991 Act, and that it may deposit an instrument of accession to the 1991 Act;

(b) further advise the Government of Armenia that it may wish to amend and supplement the texts of its legislation, as recommended in document C(Extr.)/21/2, so as to avoid recourse to the general principle in Article 2 of the Law.

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

Republic of Albania

8. The Senior Legal Officer introduced document C(Extr.)/21/4.

9. The Council decided to

(a) advise the Government of Albania that the Law, in its main provisions, incorporates the substance of the 1991 Act, and that it may deposit an instrument of accession to the 1991 Act;

(b) further advise the Government of Albania that it may wish to amend and supplement the texts of its legislation, as recommended in document C(Extr.)/21/4, so as to avoid recourse to the general principle in Article 122 of the Constitution.

Report by the President on the Work of the Sixty-Seventh Session of the Consultative Committee; Adoption of Recommendations, if any, Prepared by that Committee

10. The Council noted the oral report on the sixty-seventh session of the Consultative Committee, held on April 2, 2004, in particular:

(a) the Consultative Committee received clarifications provided by the Government of India concerning the preliminary examination of the conformity of the Protection of Plant Varieties and Farmers' Rights Act of India with the 1978 Act of the UPOV Convention. The Consultative Committee will continue this preliminary examination in October 2004;

(b) the Vice Secretary-General made an oral report on the first meeting of the Consultative Group on long-term financial issues of UPOV;

(c) the Consultative Committee received a performance assessment report for the 2002-2003 biennium;

(d) the Consultative Committee was informed on the meetings and activities concerning biodiversity, plant genetic resources and plant variety protection and on developments in the Council for TRIPS concerning the review of Article 27.3(b) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS Agreement”).

11. The Consultative Committee endorsed proposals concerning access to documents on the UPOV Website, in particular: the handling of documents under the unrestricted area, the first and second restricted areas and the creation of temporary password areas; the procedure for inclusion of documents on the website; the collections of “Important Texts and Documents” and the collection of “Plant Variety Protection Laws and Treaties”.

12. The Council endorsed the recommendations of the Consultative Committee concerning access to UPOV documents.

Election of the Vice-Chair of the Administrative and Legal Committee

13. The Vice Secretary-General introduced document C(Extr.)/21/3.

14. According to the proposal made by the Administrative and Legal Committee, on April 1, 2004, the Council elected unanimously Mr. Krieno Fikkert (Netherlands) as Vice-Chair of the Administrative and Legal Committee for the remaining period of the term of office, starting on April 2, 2004, and ending after the thirty-eighth ordinary session of the Council, on October 21, 2004.

Election of the Chairman of the Technical Working Party for Agricultural Crops

15. The President informed the Council that, in his letter dated March 23, 2004, Mr. Carlos Gómez Etchebarne (Uruguay) had resigned as Chairman of the TWA.

16. According to the proposal made by the Technical Committee, on March 31, 2004, the Council elected unanimously Mr. Luis Salaices (Spain) as Chairman of the TWA for the remaining term of office, starting on April 2, 2004, and ending after the thirty-ninth ordinary session of the Council in October 2005.

Report of the Session

17. The Council noted that a detailed report of the session would be prepared as document C(Extr.)/21/6, which would be considered for adoption by correspondence.

18. This report was unanimously adopted by the Council at the close of its session.

[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)

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[Fin de l'annexe et du document/
End of Annex and of document/
Ende der Anlage und des Dokuments/
Fin del Anexo y del documento]