



C(Extr.)/29/2

ORIGINAL: English

DATE: February 1, 2012

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

COUNCIL

Twenty-Ninth Extraordinary Session Geneva, March 30, 2012

ADOPTION OF DOCUMENTS

Document prepared by the Office of the Union

1. The purpose of this document is to provide information concerning the documents that the Council will be invited to adopt at its twenty-ninth extraordinary session, to be held in Geneva on March 30, 2012.

2. The Consultative Committee, at its eighty-first session, endorsed the following approach, if appropriate, for updating documents previously adopted by the Council (see document C(Extr.)/28/4 "Report", paragraph 11):

"(i) to present a Council document proposing specific amendments to the document being updated without presenting a complete revised draft document to the Council. The Council would be invited to adopt the revised version of the document on the basis of the specific amendments and the Office of the Union would prepare and publish the revised document on that basis;

(ii) to present to the Council for adoption, in conjunction with the Council document containing the specific amendments to the document being updated, an information document, similar to document "List of TGP Documents and Latest Issue Dates" (document TGP/0/3) containing the latest references and dates of information documents (for instance, INF and EXN series of documents)."

3. At its twenty-ninth extraordinary session, the Council will be invited to adopt the following documents:

UPOV/INF/4/2	Financial Regulations and Rules of UPOV (Revision) (document C(Extr.)/29/2, Annex)
UPOV/INF-EXN/2	List of INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/2 Draft 1)

UPOV/INF/4/2: Financial Regulations and Rules of UPOV (Revision) (document C(Extr.)/29/2, Annex)

4. On October 21, 2010, the Council adopted the "Financial Regulations and Rules of UPOV" (document UPOV/INF/4/1), which became effective from the financial period starting on January 1, 2012. Document UPOV/INF/4/1 states that:

"2. Subject to the International Convention for the Protection of New Varieties of Plants of December 2, 1961 and as revised on November 10, 1972, on October 23, 1978, and on March 19, 1991 and the WIPO/UPOV Agreement, this document sets out the Financial Regulations and Rules of UPOV on the basis of the 'Financial Regulations and Rules of the World Intellectual Property Organization (WIPO)', as approved by the Assemblies of Member States of WIPO at its Forty-Third Series of Meetings, held in Geneva from September 24 to October 3, 2007 (Document A/43/13, paragraphs 256 to 261) and applicable as from January 1, 2008, as amended on October 1, 2009 and January 1, 2010, and amended, herein, according to:

- “(a) the changes in accordance with the principle of “*mutatis mutandis*”; and
- “(b) the exceptions and additions agreed by the Council of UPOV with the Director General of WIPO.”

5. As a result of recent amendments to the Financial Regulations and Rules of the World Intellectual Property Organization (WIPO) (http://www.wipo.int/about-wipo/en/pdf/wipo_financial_regulations.pdf), the Council will be invited to consider the proposed amendments for the revision of document UPOV/INF/4/1 “Financial Regulations and Rules of UPOV”, as set out in the Annex to this document.

6. In addition, in order to resolve an inconsistency in the English version of document UPOV/INF/4/1 concerning the dates for final financial statements to be submitted to the External Auditor in Regulation 6.5 and Rule 106.11, it is proposed to amend Regulation 6.5, as set out in the Annex to this document.

7. A report on the conclusions of the Consultative Committee, at its sixty-third session, to be held in Geneva on March 30, 2012, concerning the proposals to revise document UPOV/INF/4, will be made to the Council at its twenty-ninth extraordinary session (see document C(Extr.)/29/4).

8. The Council is invited to adopt the revision of document UPOV/INF/4 “Financial Regulations and Rules of UPOV” (document UPOV/INF/4/2), on the basis of the amendments to document UPOV/INF/4/1, as presented in the Annex to this document.

UPOV/INF-EXN/2: List of INF-EXN Documents and Latest Issue Dates (Revision)
(document UPOV/INF-EXN/2 Draft 1)

9. In conjunction with document UPOV/INF/4/2, which the Council will be invited to adopt at its twenty-ninth extraordinary session, and in accordance with the approach for updating documents previously adopted by the Council (see paragraph 2, above), it is proposed to adopt document UPOV/INF-EXN/2 “List of UPOV/INF-EXN Documents and Latest Issue Dates” on the basis of document UPOV/INF-EXN/2 Draft 1.

10. The Council is invited to adopt the revision of document UPOV/INF-EXN “List of INF-EXN Documents and Latest Issue Dates” (document UPOV/INF-EXN/2) on the basis of document UPOV/INF-EXN/2 Draft 1.

[Annex follows]

DOCUMENT UPOV/INF/4/2: FINANCIAL REGULATIONS AND RULES OF UPOV (REVISION)

PROPOSED AMENDMENTS
(presented in revision mode)

Contents, title of Chapter 7, title and Regulation 7.1, to be amended as follows:

“Internal ~~Audit~~ Oversight Charter”

Contents, title of Chapter 9, title of Regulation 9.1, and title of Annex III, to be amended as follows:

“~~Audit~~ Independent Advisory Oversight Committee”

English version of Regulation 6.5 to be amended as follows:

“Financial statements

“Regulation 6.5

“The financial statements for both years of the financial period shall be submitted by the **Secretary-General** to the External Auditor no later than March 31 following the end of each year of the financial period. Final financial statements covering both years of the financial period shall be submitted to the External Auditor not later than ~~March 31~~ April 30 following the end of the financial period.

“Rule 106.11

“(a) For all accounts of **UPOV**, financial statements covering each year of the financial period, as at December 31, shall be submitted to the External Auditor not later than March 31 of the following year. For the same accounts, final financial statements covering both years of the financial period, likewise as at December 31, shall be submitted to the External Auditor not later than April 30 following the end of the financial period. Copies of financial statements shall also be transmitted to the **Consultative Committee**. Additional financial statements may be prepared as and when the Controller of WIPO deems it necessary.

“(b) Financial statements submitted to the External Auditor for all accounts shall include:

- “(i) a statement of income, expenditures and changes in reserves and fund balances;
- “(ii) a statement of assets, liabilities, reserves and fund balances;
- “(iii) a statement of cash flows;
- “(iv) such other schedules as may be required;
- “(v) notes to the financial statements.”

[End of Annex and of document]