



C(Extr.)/33/6  
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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
 Geneva

**COUNCIL**

**Thirty-Third Extraordinary Session**  
**Geneva, March 17, 2016**

REPORT ON THE DECISIONS

*adopted by the Council*

*Disclaimer: this document does not represent UPOV policies or guidance*

Opening of the session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirty-third extraordinary session in Geneva on the afternoon of March 17, 2015, chaired by Mr. Luis Salaices (Spain), President of the Council.
2. The list of participants is reproduced in Annex I to this report.
3. The session was opened by the President, who welcomed the participants.

Adoption of the agenda

4. The Council adopted the revised draft agenda, as proposed in document C(Extr.)/33/1 Rev.2.

Adoption of documents

*UPOV/EXN/PPM/1 Explanatory Notes on Propagating Material under the UPOV Convention*

5. The Council noted that the Consultative Committee had considered documents C(Extr.)/33/2, UPOV/EXN/PPM/1 Draft 6 and UPOV/INF-EXN/9 Draft 1 and that the following suggestions had been made to modify the text:

“FACTORS THAT ~~MIGHT BE~~ HAVE BEEN CONSIDERED IN RELATION TO PROPAGATING MATERIAL

“The UPOV Convention does not provide a definition of ‘propagating material’. Propagating material encompasses reproductive and vegetative propagating material. The following are non-exhaustive examples of factors that have been considered by members of the Union in relation to whether material is propagating material:

[...]

(ii) whether the material has been or may be used to propagate the variety;

(iii) whether the material is capable of producing entire plants of the variety ~~and is factually used for propagating purposes;~~

[...]”

6. The Council agreed that it would not be possible to adopt document UPOV/EXN/PPM/1 “Explanatory Notes on Propagating Material under the UPOV Convention”, on the basis of document UPOV/EXN/PPM/1 Draft 6, and requested the Administrative and Legal Committee (CAJ) to consider document UPOV/EXN/PPM/1 Draft 6 at its seventy-third session, to be held in October 2016. The Council agreed that the comments made on document UPOV/EXN/PPM/1 Draft 6, by the Consultative Committee at its ninety-first session and at the “Seminar on Propagating and Harvested Material in the context of the UPOV Convention”, to be held in Geneva on October 24, 2016, should be considered by the CAJ in conjunction with document UPOV/EXN/PPM/1 Draft 6.

Report by the President on the work of the ninety-first session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee

7. The Council considered document C(Extr.)/33/3

8. Based on the recommendations of the Consultative Committee, the Council:

(a) with the agreement of the Director General of the World Intellectual Property Organization (WIPO) (see Article 8(1) of the WIPO/UPOV Agreement), decided to make an exception for Ms. Hend Madhour, in relation to Staff Regulation 4.16 (a), to provide for a maximum additional two-year extension of the temporary appointment of Ms. Madhour in order for her to continue her functions in relation to the “Electronic application form project” (EAF Project);

(b) decided to establish a separate UPOV bank account to hold funds allocated for financing UPOV’s After-Service Health Insurance (ASHI) liability, and that the amount represented by the provisions for ASHI obligations at the end of the 2014-2015 biennium, together with the balance from the 6 per cent charge after deduction of the respective biennium’s payments, if any, be transferred to that account starting from the 2016-2017 biennium and to apply to that account the investment policy that WIPO applied to the account for financing WIPO’s ASHI liability;

(c) approved the organization of a “Symposium on possible interrelations between the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the International Convention for the Protection of New Varieties of Plants (UPOV Convention)”, to be held at UPOV Headquarters in Geneva, on October 26, 2016, as set out in document C(Extr.)/33/3, paragraphs 28 and 29; and

(d) approved the draft program for the “Seminar on Propagating and Harvested Material in the context of the UPOV Convention,” to be held in Geneva on October 24, 2016, as set out in document C(Extr.)/33/3, paragraphs 30 to 32, and its Annex.

Calendar of Meetings in 2016

9. The Council considered document C(Extr.)/33/4.

10. The Council agreed to the proposed change of venue of the forty-fifth session of the Technical Working Party for Agricultural Crops (TWA), to be held from July 11 to July 15, 2016 in Mexico, from Queretaro to Mexico City, and approved a revision of document C/49/8 Rev. “Calendar of Meetings in 2016” to reflect that change.

11. The Council agreed to include the following proposed meetings in the revision of document C/49/8 Rev. “Calendar of Meetings in 2016”, as follows:

(a) the Eighth Meeting on the Development of a Prototype Electronic Form, to be held in the evening of October 24;

(b) the Second Meeting of the Working Group on Variety Denominations (WG-DEN), to be held in the evening of October 25;

(c) the “Symposium on possible interrelations between the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the International Convention for the Protection of New Varieties of Plants (UPOV Convention)”, to be held on October 26;

(d) the First Meeting of the Working Group on a Possible International System of Cooperation (ISC-WG), to be held in the evening of October 27.

Press Release

12. The Council considered document C(Extr.)/33/5.

13. The Council considered and approved the draft press release that was distributed at the end of its thirty-third extraordinary session (see document C(Extr.)/33/5). The press release approved by the Council is reproduced in Annex II to this report.

*14. This report was adopted by the Council at the close of its session, on March 17, 2016.*

[Annexes follow]

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

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

(dans l'ordre alphabétique des noms français des membres /  
in the alphabetical order of the French names of the Members /  
in alphabetischer Reihenfolge der französischen Namen der Mitglieder /  
por orden alfabético de los nombres en francés de los miembros)

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[L'Annexe II suit/  
Annex II follows/  
Anlage II folgt/  
Sigue el Anexo II]

PRESS RELEASE

UPOV Press Release 104

Geneva, March 17, 2016

**UPOV Council Holds its Thirty-Third Extraordinary Session**

The purpose of the International Union for the Protection of New Varieties of Plants (UPOV) is to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.

The Council of UPOV held its thirty-third extraordinary session on March 17, 2016.

Developments included:

Test Guidelines

The Council welcomed the adoption by the Technical Committee (TC) of 5 new Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability (Test Guidelines) and 10 revised Test Guidelines. UPOV has now developed 316 Test Guidelines, all of which are freely available on the UPOV website ([http://www.upov.int/test\\_guidelines/en/](http://www.upov.int/test_guidelines/en/)).

Experience of members of the Union in the Examination of New Plant Varieties

The Council noted that the number of genera and species for which members of the Union had indicated their practical experience in the examination of distinctness, uniformity and stability (DUS) had increased from 3,382 in 2015 to 3,462 in 2016 (+2.4%). The Council also noted that information on members of the Union with practical experience in DUS examination was freely accessible via the GENIE database (see <http://www.upov.int/genie/en/>).

Interrelations with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

The Council welcomed the decision by the Governing Body of the ITPGRFA, at its fifth session, to request the Secretary of the ITPGRFA to invite UPOV and the ITPGRFA to jointly identify possible areas of interrelations between the ITPGRFA and the UPOV Convention. It further welcomed the presentation by the Secretary of the ITPGRFA on that subject at the ninety-first session of the Consultative Committee, held in Geneva on March 17, 2016. The Council agreed to propose a joint UPOV-ITPGRFA Symposium on areas of interrelations between the ITPGRFA and the UPOV Convention, to be held in Geneva on October 26, 2016, with a recommendation that the Symposium be open to the public.

Seminar on Propagating and Harvested Material in the context of the UPOV Convention

The Council agreed that the "Seminar on Propagating and Harvested Material in the context of the UPOV Convention," to be held in Geneva on October 24, 2016, should be open to the public and that a publication of the proceedings of the Seminar would be made available on the UPOV website.

Award of Silver Medal

Mr. Alejandro Barrientos-Priego (Mexico) was awarded a UPOV Silver Medal on completing his term as Chairman of the TC, from 2014 to 2016, at its fifty-second session, held in Geneva from March 14 to 16, 2016. In awarding the medal, Mr. Francis Gurry, Secretary-General of UPOV, recalled that Mr. Barrientos-Priego had been Mexico's representative at the UPOV Technical Working Party for Fruit Crops (TWF) since 1999, during which time he had: acted as the Leading Expert for nine UPOV Test Guidelines (Cactus Pear and Xoconostles; Avocado; Hawthorn; Vanilla; Cacao; Dragon Fruit; Pecan Nut; Papaya; and Avocado rootstock); and had previously been Chairman of the TWF from 2006 to 2008; Vice-Chairman of the TC from 2011 to 2013 and Chairman of the Working Group on Biochemical and Molecular Techniques, and

DNA-Profiling in Particular (BMT) from 2012 to 2014. Mr. Barrientos-Priego had also acted as a speaker and trainer in several UPOV capacity-building activities in Latin America and the Caribbean.

With regard to the achievements of the TC under Mr. Barrientos-Priego's chairmanship, Mr. Gurry highlighted: a review to seek ways of improving the effectiveness of the TC, Technical Working Parties and Preparatory Workshops; introduction of "Open discussion sessions" on a range of issues in the TC; organization of joint UPOV/OECD/ISTA workshop on molecular techniques; adoption of document INF/22 "Software and equipment used by members of the Union"; revision of documents TGP/7 "Development of Test Guidelines", TGP/8 "Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability", TGP/9 "Examining Distinctness" and TGP/14 "Glossary of Terms Used in UPOV Documents"; the introduction of the web-based TG Template to facilitate development of Test Guidelines and the adoption of 56 new or revised Test Guidelines.

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