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UPOV

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Tenth Ordinary Session
Geneva, October 13 to 15, 1976

REPORT

adopted by the Council

1. The tenth ordinary session of the Council of UPOV (hereinafter referred to as "the Council") was held in Geneva, at the headquarters of UPOV, on October 13 and 14, 1976. The list of participants appears in the Annex to this report.

2. The session was opened by Mr. B. Laclavière (France), President of the Council, who welcomed the participants, especially the observers from the signatory and other non-member States.

Admission of New Observers to the Session

3. The President recalled that Brazil, Greece, Romania, Senegal, the Soviet Union, Turkey and Yugoslavia had been invited for the first time to send observers to the session of the Council, following a decision taken by the Consultative Committee during its thirteenth session (see document CC/XIII/6, paragraph 16). He welcomed the representative of Senegal and, regretting that the other States mentioned could not participate in the session, drew attention to the permanent character of the invitation.

Adoption of the Agenda

4. The Council adopted the agenda as reproduced in document C/X/1 (the English version in document C/X/1 Corr.), after having agreed to deal with item 11 after item 5.

Exposé by the Representatives of the Different States (Member States, Signatory Non-Member States and Other Interested Non-Member States) on the Present Situation, Problems Arising and Progress Achieved in the Legislative, Administrative and Technical Fields

5. The following information was given:

(i) The Representative of the Federal Republic of Germany said that since December 31, 1974, the possibility of granting plant breeders' rights had been extended to 26 further botanical species, making a total of 137 genera and species eligible for protection in his country. This had led to an increase in the number of applications from around 450 varieties the previous year to 700. Of these applications, about one-third had come from foreign applicants. As indicated in the list in UPOV Newsletter No. 4, his country was offering to undertake tests on 33 botanical species for other member States. To date his country had concluded bilateral agreements with France based on the UPOV Model Agreement for International Cooperation in the Testing of Varieties (hereinafter referred to as "the UPOV

Model Agreement"). The conclusion of similar agreements with the United Kingdom, the Netherlands and Denmark was in preparation. The issuance of new fee regulations was imminent. The fees would generally be higher than the present ones. They would cover only about half of the costs of the procedure. By virtue of an Act of March 24, 1976, the Federal Republic of Germany deposited, on July 23, 1976, its instrument of ratification on the Additional Act of 1972 to the UPOV Convention with the French authorities.

(ii) The Representative of Denmark said that during the previous year his country had extended the list of species eligible for protection to 115. This had led to an increase in the number of applications for plant breeders' rights. His country also foresaw the need, in the future, to increase the fees charged to the breeder.

(iii) The Representative of France said that 21 further species had been made eligible for protection in his country since August of the current year. The majority of those species were either ornamental or fruit species. Bilateral agreements, based on the UPOV Model Agreement, with the Federal Republic of Germany had been signed, while the conclusion of bilateral agreements with the United Kingdom and the Netherlands were foreseen in the near future. It was to be expected that the fees for testing would have to be adjusted to increasing costs. At the moment, in France the possibilities for protection of genes were under study.

(iv) The Representative of the Netherlands said that the ratification of the Additional Act of 1972 to the UPOV Convention had received the approval of Parliament. The deposit of the instrument of ratification could therefore be expected in the course of the coming weeks. In 1975 456 applications for plant breeders' rights concerning 125 species had been received in his country. 40% of those applications concerned field crops, 25% vegetables, 30% ornamental plants and 2% fruits or trees. 200 applications had been withdrawn or rejected. Over the years, an average of about 40% of applications normally were withdrawn or rejected. The Netherlands had offered to undertake tests for other member States for about 30 species. With respect to the coverage of the costs by fees, his country was trying to reach about 50% coverage. At the moment in his country a reorganization of the executing offices was taking place. The intention was to combine all offices concerned with plant variety protection and other similar tasks in one institute in a similar way to that in which the Bundessortenamt (Federal Varieties Office) of the Federal Republic of Germany was organized. In reply to a question the Representative of the Netherlands explained that the high amount of withdrawals was due to the fact that breeders of varieties of agricultural crops usually filed applications for registration of the variety in the national list at the same time as their applications for plant breeders' rights. If, in the procedure concerning registration in the national list, the variety was found to lack agricultural value, the breeder would withdraw also his application for plant breeder's rights. In addition, the strong competition in the Netherlands would cause some breeders to file applications for plant breeders' rights at a stage at which the varieties in question lacked the sufficient degree of homogeneity.

(v) The Representative of the United Kingdom said that in the past his country had been concerned mainly with increasing the number of schemes for ornamental plants, while at present greater emphasis was being put on increasing the number of agricultural and vegetable crops eligible for protection. The United Kingdom had concluded bilateral agreements with the Netherlands on the basis of the UPOV Model Agreement. The conclusion of similar agreements with France and the Federal Republic of Germany was in preparation. These bilateral agreements would allow the number of species eligible for protection in his country to be increased. The percentage of withdrawals of applications in his country was considered to be due mainly to the lack of distinctness and homogeneity of varieties and above all cereal varieties. His country was also considering an increase in the fees for testing. At present about 60% of the costs were recovered over a period of ten years.

(vi) The Representative of Sweden said that his country had not acceded to the Convention until 1971, and that therefore the plant breeders' rights scheme had been in full operation for a few years only. Three hundred and seven applications had been received and rights granted in respect of 124, of which about 100 were still valid at the present time. His country had made 78 genera and species eligible for protection, including only three ornamental species, as Sweden still had limited testing facilities. It was hoped, however, that, by concluding bilateral agreements, the number of species could be increased. At the moment his country had already concluded a bilateral agreement with France and hoped to conclude similar agreements with other member States. Six new ornamental species could be made eligible for protection if his country could rely on the test results of other member States.

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With respect to fees, his country had adopted a different system from that applied in all other member States, since in Sweden any office had to cover its costs fully from the fees paid by those availing themselves of its services. Therefore the fees in Sweden were high but, on the other hand, this resulted in a very low proportion of withdrawals or rejections.

(vii) The Representative of Belgium said that the deposit of Belgium's instrument of ratification of the UPOV Convention could be expected in the very near future. For countributions Belgium intended to choose class III under the UPOV Convention (one unit). It expected to join in time to be a member before the end of the current year, and had provided in its budget for the payment of its contribution for 1977. The list of species eligible for protection would be the following: Wheat (Triticum aestivum L. and Triticum durum L.), Barley (Hordeum vulgare), Ryegrass (Lolium sp. multiflorum, L. perenne and hybrids), Peas (Pisum sativum L.) and Beans (Phaseolus vulgaris and Phaseolus coccineus L.). The law of May 20, 1975, had very similar provisions to the laws of the other UPOV member States. The draft of the law had provided also for the possibility of extending protection in certain cases to the final product. This extension had not been approved by Parliament, however. Applications for plant breeders' rights would have to be addressed to the "Service de la protection des obtentions végétales." This office would also publish a bi-monthly journal giving information on plant breeders' rights, and a list of titles of protection granted. The application forms and forms for variety denominations would be established on the basis of the UPOV Model Form.

(viii) The Secretary-General reported that a telegram had been received from Italy indicating that the deposit of Italy's instrument of ratification might be expected in the near future.

(ix) The Representative of Switzerland said that the implementing decree of the law on plant breeders' rights would still take some two or three months to be issued. Therefore Switzerland could be expected to be a full member of UPOV in March 1977. He informed the Council that a delegation from Switzerland had visited the offices of the Federal Republic of Germany, Denmark and the United Kingdom. The outcome of this visit had facilitated the building up of the administrative office and the planning of examinations in his country. Twenty five drafts for the necessary forms had been established and were at present under discussion.

(x) The Representative of South Africa said that his country had for a long time supported steps to produce high-quality seed and propagating material in order to make the best possible use of the limited resources for agricultural land and crop production. With this in mind the Parliament had during its 1976 session approved a new Act on Plant Breeders' Rights and an Act on Plant Improvement, which replaced former Acts. South Africa had always taken a keen interest in international organizations which promoted the introduction and use of high-quality planting material and facilitated the international movement of such material. For these reasons it was a member of the International Seed Testing Association (ISTA) and party to the International Plant Protection Convention, and was closely cooperating with the OECD (Seed Schemes) and the EEC (Seed Directives). It was only natural therefore that his country should be showing interest in the work of UPOV. It had now formally applied for admission to the UPOV Convention. With respect to the new Act on Plant Breeders' Rights, he reported that this Act gave legal remedies for the effective defense of plant breeders' rights; that the Division of Plants and Seeds Control, of which he was the Director, had been entrusted with the administration of the legislation on plant breeders' rights; that, as his country had had a law on plant breeders' rights since 1966, his office already had the necessary professional staff and trial grounds for the examination of new varieties; that information on plant breeders' rights would first be published in the Government Gazette, a publication which could be subscribed to by all member States, but that the introduction of a separate publication was also envisaged; finally, that almost all the important genera and species in South Africa--there were about 60--had been made eligible for protection. His country was interested in concluding bilateral agreements on the basis of the UPOV Model Agreement. In the event of South Africa's application for admission to the UPOV Convention being approved, he could give the assurance of closest cooperation with UPOV member States.

(xi) The Representative of Austria said that, as reported in former meetings, both breeders and administration in his country took a positive view of the introduction of a law on plant breeders' rights in his country. The national laws had to be adapted to the UPOV Convention, however. During the current year the draft of a law on plant breeders' rights had been established and presented for discussion. The draft would have to be examined for conformity with the country's constitution and for the correct distribution of competence. According to the draft,

the Ministry of Agriculture and Forestry was competent for plant variety protection, but the opinion had been expressed that it ought rather to be the responsibility of the Patent Office and of its controlling authorities. After these questions had been settled, a final draft would have to be prepared. A new law on plant breeders' rights would require the preparation also of a new law on seed trading as, in the present law on the seed trade, both variety protection and variety registrations, were closely connected. In future the two fields would have to be administered by two different laws.

(xii) The Representative of Canada said that historically the Federal Department of Agriculture developed varieties for use in Canada and these varieties dominated the market. In recent years, however, the varieties of both private plant breeders and foreign breeders had also entered the market. At the moment his country had no law on plant breeders' rights, but the general opinion within the seed and horticulture industry as within the Department of Agriculture was that such a law would serve the best interests of agriculture in his country.

(xiii) The Representative of Spain said that, in his country, implementing regulations for the law approved in 1975 had been elaborated since the last session of the Committee. These regulations were at the moment under study. If no problems arose, they could be expected to be approved by the Government within two or three months. The regulations at present provided the possibility of protection for varieties of wheat, barley, oats, rice, potatoes, roses and carnations. In his personal opinion, Spain might ask for admission to the UPOV Convention before the next Council session.

(xiv) The Representatives of the United States of America recalled that their country had two laws providing for plant variety protection; the Patent Act for asexually reproduced plants and the Plant Variety Protection Act for sexually reproduced plants. During the Plant Patent Act's 46 years of existence about 4,000 plant patents had been granted, and about 2,000 of these were still in force. An average of about 150 applications were received each year, of which about 80% would result in the grant of rights. In the past mainly rose and fruit varieties had received protection, but now also applications for the protection of house plants represented a large part of the total. As of August 1, 1976, a total of 660 applications had been received under the Plant Variety Protection Act, 61% for agricultural crops, 30% for vegetables and 9% for flowers, 60 of these from experiment stations and 49 from foreign breeders. The first certificates had been issued in 1973. Out of 84 certificates issued during the past year, 50% had been for agricultural crops, 34% for vegetables and 16% for flowers. In the United States of America the breeder could specify that his variety could only be marketed as a class of certified seed, which would make his right more effective, as it could be enforced by Government and would not need enforcement by the breeder himself. This possibility had been chosen for about 74% of the agricultural varieties. With respect to the distribution of applications within the United States of America, it was said that these came from 27 different States. At the moment, when comparing descriptions of different varieties, descriptions of about 8,000 varieties of about 30 species were used in a computer. The promulgation of additional regulations requiring a sample of seed to be submitted with the application was currently under study. Limits of reciprocity under the Plant Variety Protection Act had been established in the past with the Federal Republic of Germany, the Netherlands, South Africa and the United Kingdom.

(xv) The Representative of Hungary said that since January 1, 1970, the patent law of his country had provided for two forms of patents, an industrial patent and a patent for plant varieties or animal breeds. The difficulties his country had been faced with at the beginning had now been solved, and at the moment no further change was planned. Thirty five patents for plant varieties had been granted, 50% of which were to foreign breeders from UPOV member States. The accession of Hungary to the UPOV Convention was still under serious consideration. No patent applications for animal breeds had yet been received.

(xvi) The Representative of Ireland said that there was no law on plant breeders' rights in his country, but that it was seriously considering the introduction of a system of plant breeders' rights in accordance with the UPOV Convention, and to accede to the Convention. Financial difficulties had so far delayed progress in this direction, however. An outline draft text for this legislation had been prepared, consultations with the trade and with breeders had taken place and an assessment had been made of the facilities and resources available to operate a plant breeders' rights system.

(xvii) The Representative of Japan reported that the Ministry of Agriculture had decided in May to prepare legislation on plant breeders' rights. However, the draft prepared would still have to complete all the administrative steps before it could be presented to the Parliament. In describing the intended legislation in full detail, the Representative of Japan stressed that the intention was to select certain categories of species to be eligible for protection, namely fruits, flowers, vegetables and mushrooms. This list would then be gradually expanded. With respect to examination, the five elements, namely distinctness, homogeneity, stability, novelty

and denomination would be examined. Examination would be based on the checking of documents supplied by the breeder. In certain cases a survey could be made on the spot or growing tests undertaken. For certain species the scope of the breeder's right could cover the use of the plant or parts thereof. Consideration was being given to the question whether large-scale production of seed or seedlings not for sale but for other uses should be made to fall within the scope of protection. Any comments on the legislation intended by Japan and described by its Representative would be welcomed.

(xviii) The Representative of New Zealand said that, up to the present time, three schemes had been brought into operation in his country, namely for roses (Rosa) on May 1, 1975, for barley (Hordeum vulgare L.) on October 3, 1975, and for fodder-type perennial ryegrass (Lolium perenne L.) on May 28, 1976. The intention was to approach the Government with a view to the introduction of further schemes, namely for annual ryegrass on January 31, 1977, for Lotus pedunculatus on September 30, 1977, for potatoes on June 1, 1977, for peas (field and garden) on June 1, 1977, and for lucerne on June 1, 1977. Extension to the following additional species was also being considered: wheat (durum and common), timothy, cocksfoot, amenity grasses, strawberries and Brassica (kale, turnip, rape and swede). Growing trial systems were used for the three schemes in operation and would be used for the five further schemes to be introduced in 1977. Trials were run in conjunction with the acceptable list testing under Ministerial supervision, with the necessary additions for distinctness, uniformity and stability being made by Ministry staff. Where New Zealand already had acceptable list test growing trials in existence for other species, it would follow the same procedure as at present. It had, however, neither the facilities nor the means to operate full-scale growing tests for species not commonly covered by acceptable list trials. For these species New Zealand would be forced to depart from this system in favor of the computer-based system for granting plant breeders' rights, as used in the United States of America, for example. Computer search results would be supported by limited growing trials. Such trials might not necessarily be on land owned or controlled by Government agencies. New Zealand also wished to explore the possibility of obtaining further test results from other countries, under arrangements such as that made with the United Kingdom in the case of roses. New Zealand advocated a more flexible approach, using a combination of the examination systems currently used in the UPOV member States and in the United States of America.

(xix) The Representative of Luxembourg said that his country had a definite interest in the protection of plant breeders' rights, but that so far the technical problems of introducing such a system in his country had been too great. Attempts had been made in the past to set up a Benelux Convention on the protection of breeders' rights, but they had failed. Other proposals in connection with the EEC had also brought no solution so far. Therefore a reasonable solution would be to solve the technical problems by means of bilateral agreements based on the UPOV Model Agreement. This possibility had to be studied further, however, in relation to its technical and financial implications. The responsible offices of Luxembourg were genuinely interested in acceding to the UPOV Convention, and would do their best to bring about accession as early as possible.

(xx) The Representative of Poland said that the previous year his country had presented the first draft of a seed law, in so far as it concerned variety protection, to the Office of the Union. He thanked the experts of the member States of UPOV and the Office of the Union for all the remarks received. A new draft had been prepared in the meantime, and he hoped that this draft would be fully in conformity with the requirements of the Convention. The text of the implementing decree was currently in preparation. It was expected that a new draft of these texts could be presented to the Office of the Union in about two or three months.

(xxi) The Representative of Senegal said that this was the first time that his country was participating as an observer in a session of the Council. In his country breeding was carried out by Agricultural Research Institutes. He was given confirmation that visits of experts from his country to the offices of UPOV member States would be welcomed, and that the experts would receive all the information they required.

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Progress of the Work of the Committee of Experts on the Interpretation and Revision of the Convention

6. Mr. H. Skov, Chairman of the Committee of Experts on the Interpretation and Revision of the Convention, referred to document C/X/8 and gave a progress report on the work of that Committee. In particular, he explained paragraphs 4 to 19 of document C/X/8, which indicate the different stages reached in the discussion on questions relating to the interpretation and revision of the Convention, as well as a statement concerning Article 7 (Annex to document C/X/8).

7. The Council noted with approval the statement concerning Article 7 formulated by the Committee of Experts on the Interpretation and Revision of the Convention, as reproduced in the Annex to document C/X/8.

8. The Representatives of the United States of America and of Japan proposed that the Committee of Experts should study further the possibility of amending Article 13, and especially its paragraph (2).

9. The Council unanimously agreed to postpone the next Diplomatic Conference, which according to Article 27 was due to be held in 1977, to 1978. After the Secretary-General had given an outline of the envisaged timetable for preparing the Conference, the Council agreed that the Conference should be held between September and December 1978. It noted that the costs envisaged for holding the Diplomatic Conference would be about 50,000 Swiss francs, an amount which would have to be provided for in the 1978 budget. The Council further noted and agreed that the next session of the Committee of Experts on the Interpretation and Revision of the Convention should take place from March 7 to 10, 1977, and that observers from interested non-member States and international organizations should also be invited to that session. The interested non-member States as well as the international professional organizations would in addition have the opportunity to make further comments on the proposals resulting from that session. These further comments would be studied by the Committee of Experts during a subsequent session, to be held from September 20 to 23, 1977. A final opportunity to make statements would be given in January 1978.

Report by the President on the Work of the Thirteenth and Fourteenth Sessions of the Consultative Committee

10. The President reported that, during the thirteenth session of the Consultative Committee, discussions on work of the Committee of Experts on the Interpretation and Revision of the UPOV Convention had taken place, the program for a visit by a delegation from the United States of America to several UPOV member States had been approved, a decision to invite the States mentioned in paragraph 3 of this document to send observers to Council sessions had been taken as well as decisions on the possibility to invite further States to sessions of other UPOV bodies. The presentation of the UPOV budget for 1977 and the distribution of UPOV publications were also discussed.

11. The Council had held its second extraordinary session in conjunction with the thirteenth session of the Consultative Committee on March 11, 1976, and had approved amendments to the Rules of Procedure for Technical and Administrative Cooperation between UPOV and WIPO and to the Administrative Regulations of UPOV.

12. During its fourteenth session the Consultative Committee had examined the draft program and budget with a view to reducing several items of expenditure, and had studied the possibility of South Africa's accession to the UPOV Convention, on which, however, written information had been received by the Office of the Union only that morning. The Consultative Committee had agreed that a third extraordinary session of the Council should take place on November 16, 1976, to deal with South Africa's application for accession to the UPOV Convention.

13. The Council noted this decision with approval. The extraordinary session of the Council would start on November 16 at 9 a.m.

Report by the Secretary-General on the Activities of the Union in 1975

14. The Secretary-General introduced document C/X/2, which, in particular, reviewed the work undertaken by the different bodies of UPOV. The Council noted this report without any objection.

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Report of the Secretary-General on his Management and on the Financial Situation of the Union in 1975 and Presentation of the Report of the Federal Audit Service for 1975

15. The Secretary-General introduced document C/X/3, which contained the results of the 1975 financial year and information concerning finances in 1975, as well as the letter from the Federal Political Department and the report of the Federal Audit Services on the auditing of the 1975 accounts.

16. The report on the management of the Secretary-General, and on the financial situation, of the Union in 1975 and the report of the Federal Audit Service were unanimously approved as appearing in document C/X/3.

Progress Report on the Work of the Committee of Experts on International Cooperation in Examination

17. Mr. J.I.C. Butler, Chairman of the Committee of Experts on International Cooperation in Examination, referred to documents C/X/5 and C/X/7, which contained, respectively, a progress report on the work of that Committee, and a summary account of agreements on cooperation in examination and statistics of exchanges of examination reports.

18. The Council discussed the possibilities of recommending a certain figure for fees for two years of testing wheat varieties. The Council finally recommended, by a majority of five of the six member States, to charge for two years of testing at least a total fee of 1,350 Swiss francs for varieties of cereals and comparable species. In the view of the Representative of the Federal Republic of Germany, examples for "comparable" species were fodder beets, sugar beets, maize and potatoes.

19. The Council held the view that the UPOV Model Form for the Application for Plant Breeders' Rights and the UPOV Model Form for the Application for a Variety Denomination should be discussed once more by the Committee of Experts on International Cooperation in Examination. In order not to delay the finalization of these forms, the Council agreed to delegate the authority for their adoption to the Committee of Experts on International Cooperation in Examination.

20. The Council noted the Committee's past work and the envisaged continuation of its activities as described in document C/X/5. It approved the decision taken by the Committee at its fourth session to approach the task of introducing a multilateral system of cooperation in the field of the protection of plant breeders' rights on a step-by-step basis, and first to gather experience on the cooperation to be established under bilateral agreements between the authorities of member States. The Council agreed further that it was not necessary, and in view of the budgetary situation of UPOV not feasible, to hold in 1977 a session to which observers from non-member States and from the international organizations in the field of plant variety protection and the seed trade would be invited.

Progress of the Work of the Technical Steering Committee

21. Dr. D. Böringer, Chairman of the Technical Steering Committee, referred to document C/X/9 and gave a progress report of the work of that Committee. In particular, he explained the models for technical questionnaires and for the report on technical examination, as reproduced in Annexes II and III, respectively, to that document. He informed the Council that a total of 23 Test Guidelines for different species had been adopted by the Technical Steering Committee so far, namely those for Maize (TG/2/1), Wheat (TG/3/1), Ryegrass (TG/4/1), Red Clover (TG/II/4), Lucerne (TG/II/5), Garden Pea (TG/7/1), Broad Bean (TG/III/2), Runner Bean (TG/III/4), Euphorbia fulgens (TG/V/2), Rose (TG/11/1), French Bean (TG/12/1), Lettuce (TG/13/1), Apple (TG/14/1), Pear (TG/15/1), Rice (TG/16/1), African Violet (TG/17/1), Elatior Begonia (TG/18/1), Strawberry (TG/22/3), Potato (TG/23/2), Poinsettia (TG/24/2), Carnation (TG/25/3), Freesia (TG/27/3) and Tomato (TG/44/3).

22. In addition, the Technical Steering Committee was expected to adopt other Test Guidelines during its session in November 1976. Several other draft Test Guidelines were ready for presentation to the professional organizations for comment and still other draft Test Guidelines were under preparation within the different Technical Working Parties. He further reported that the Technical Steering Committee had started discussions on methods of data recording and interpretation, as reflected in Annex I to document C/X/9. The task of the Technical Steering Committee was to coordinate the work of the Technical Working Parties, to adopt the draft Test Guidelines established by those Technical Working Parties, to discuss and reach agreement on general questions, and also to ensure that, when Test Guidelines were established by the Technical Working Parties, due account was taken of the fact that examination efforts had to remain within justifiable limits. Therefore the work of the Technical Steering Committee would not end as long as tests for new varieties were still being undertaken, and as long as member States were increasing the list of species eligible for protection.

23. Having noted the report of the Chairman of the Technical Steering Committee and the information given in document C/X/9, the Council finally adopted in principle the model for a Technical Questionnaire as reproduced in Annex II to document C/X/9 and the model for a Report on Technical Examination as reproduced in Annex III to document C/X/9. The Council also agreed that the Technical Working Parties could invite scientific organizations to comment on certain draft Test Guidelines, subject to their having already undertaken some standardization work in the same field.

24. In connection with the discussion of the work of the Technical Steering Committee, the question arose whether multiline varieties, that is, varieties consisting of a mixture of several very closely resembling, but not identical lines, which differed only in one or a few aspects, such as resistance to different races of a disease, could still be regarded as one variety. It was mentioned that a similar problem was the problem of multiclone varieties of some forest species. This question would be further studied by the Technical Steering Committee.

Future Work Program and Budget of UPOV for 1977

25. Work Program. The Secretary-General introduced document C/X/4, and emphasized that the program of work of UPOV for 1977 was characterized by the importance of the tasks to be achieved by the Committee of Experts on the Interpretation and Revision of the Convention. The President drew attention to the possibility of holding an extraordinary session of the Council, especially if an application for accession to the Convention was submitted to it. Following these remarks, the Council adopted the program of work for 1977 as appearing in document C/X/4, subject to the amendments resulting from the reductions of budget items indicated below.

26. Budget. The Secretary-General said that the Consultative Committee was extremely anxious to reduce the expenses of UPOV--and also the expenses of the national offices, especially with respect to travelling costs associated with UPOV sessions. He recalled that he had proposed to the Council a reduction of 20,000 Swiss francs in the overall budget (about 2%) on account of the slowing down of the inflation rate in Switzerland.

27. The Consultative Committee had decided to recommend to the Council that it make the following reductions:

(i) The provisions for Travel on Official Business should be reduced by 4,000 Swiss francs (2,000 francs under item UV.04 and 2,000 francs under UV.12)

(ii) The amounts provided for Conferences should be reduced by 10,000 Swiss francs, distributed as follows: no interpretation would be provided for the session of the Committee of Experts on International Cooperation in Examination (saving: 6,000 Swiss francs under item UV.05); the Consultative Committee would meet twice for three days in total instead of four (saving: 3,000 Swiss francs under item UV.02), and its fifteenth session would be held in the same week as the fifth session of the Committee of Experts on the Interpretation and Revision of the Convention (saving in travelling costs for the delegates); the provision for a session of a Technical Working Party in Geneva could be withdrawn (saving: 1,000 Swiss francs under item UV.04). In addition, up to six sessions in total outside Geneva would be provided for the Technical Working Parties instead of seven (saving in travelling costs for the delegates and for the Office of the Union).

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(iii) The provisions for Printing should be reduced by 4,000 Swiss francs (item UV.09), the saving being achieved by reprinting the French and German versions of the UPOV General Information Brochure unchanged, with the corrections indicated on separate sheets.

28. The Council endorsed these proposals by the Consultative Committee, and decided to distribute the savings mentioned in paragraph 26 above as follows: the item "Salaries and Common Staff Costs" (UV.13) would be reduced by 13,000 Swiss francs and the item "Common Expenses" (UV.15) by 7,000 Swiss francs.

29. Referring to document C/X/4 Add., in which, on the basis of the information available to the Office of the Union in August 1976, the balance of the Reserve Fund on December 31, 1976, was estimated to be 21,000 Swiss francs, the Delegation of Denmark asked whether the Reserve Fund could not be used to reduce the contributions of the member States. After the Secretary-General emphasized that the figures appearing in document C/X/4 Add. were only estimates and that it would be risky to leave UPOV without any reserve funds, the Council agreed not to follow the proposal of the Delegation of Denmark.

30. The above-mentioned amendments reduced the total budgeted expenditure to 926,000 Swiss francs, to be covered by contributions from member States to the extent of 895,000 Swiss francs the balance of 31,000 Swiss francs being covered by miscellaneous income. The unit of contribution would thus be one of 44,750 Swiss francs, it being understood that, in the event of a further State or States joining the Union before December 31, 1976, and thus being obliged to pay contributions for 1977, the value of the contribution unit for 1977 would be recalculated on the basis of the new total number of units and would thus be reduced.

31. The budget of UPOV for 1977 was unanimously adopted.

Calendar of meetings in 1977

32. In view of the decision mentioned in paragraph 27(ii), it was decided that the fifteenth session of the Consultative Committee would be held on March 11, 1977, and the fifth session of the Committee of Experts on the Interpretation and Revision of the Convention from March 7 to 10, 1977. In addition, the dates of the seventh session of the Committee of Experts on International Cooperation in Examination and of the tenth session of the Technical Steering Committee would be fixed by those bodies at their next sessions, since the dates proposed by the Office of the Union were unsuitable for several delegations. The Delegation of Spain confirmed its country's invitation to hold the session of the Technical Working Party for Fruit Crops in Spain.

Admission of Observers to Council Sessions and to Sessions of Other Bodies

33. Neither the delegations nor the Office of the Union had proposals for inviting further States to be represented as observers at forthcoming Council sessions. The attention of the observer delegations attending the current session was drawn to the fact that the fifth session of the Committee of Experts on the Interpretation and Revision of the Convention would be held from March 7 to 10, 1977, in the presence of observer delegations from non-member States and certain international non-governmental organizations.

34. This report was unanimously adopted by the Council at its meeting of November 16, 1976.

[Annex follows]

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LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/TEILNEHMERLISTE

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Dr. H. MAST, Vice Secretary-General
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Mr. A. HEITZ, Administrative and Technical Officer

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