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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

**Twelfth Ordinary Session
Geneva, December 6 to 8, 1978**

REPORT

adopted by the Council

1. The twelfth ordinary session of the Council of UPOV (hereinafter referred to as "the Council") was held in Geneva, from December 6 to 8, 1978. The list of participants appears in document C/XII/13.

2. The session was opened by Mr. H. Skov (Denmark), President of the Council, who welcomed the participants. The Council observed a minute's silence in memory of its late Vice-President, Mr. J.I.C. Butler, who had passed away earlier in the year, and as a tribute to his merits.

Adoption of the Agenda

3. The Council adopted the agenda as appearing in document C/XII/1.

Statements by the Representatives of the Different States (Member States, States Invited as Observers) on the Present Situation, the Problems Arising and the Progress Achieved in the Legislative, Administrative and Technical Fields

4. In connection with this item of the agenda, the following information was given:

(i) The representative of the Republic of South Africa said that in his country it had been possible to obtain plant breeders' rights since 1966 for various kinds of plants bred or developed in the country. On November 1, 1977, South Africa's new Plant Breeders' Rights Act had entered into force and his country had become a member of UPOV on November 6, 1977. Before that date, South Africa had granted protection for 50 varieties. Since that date it had not yet granted any further titles of protection. At present, however, 30 applications were under consideration.

(ii) The representative of the Federal Republic of Germany said that as of July 1, 1978, the list of species eligible for protection in his country had been extended by ten further species. In addition, the existing list had been amended in some respects and, in particular, protection had been extended, in the case of apples, to the whole genus Malus, in the case of chicory, to salad chicory and, in the case of currants and gooseberries, to interspecific hybrids of the genus Ribes.*

* except ornamental varieties

The Federal Republic of Germany would undertake tests itself for only two of the ten newly included species. For the other species tests would be undertaken under bilateral agreements with other member States of the Union. Since the last ordinary session of the Council, bilateral agreements on cooperation in examination (hereinafter referred to as "bilateral agreements") had been concluded with Sweden and Switzerland. At present discussions were going on to extend the bilateral agreements already concluded with Belgium, Denmark, France, the Netherlands and the United Kingdom. At present more than 150 species were eligible for protection. From July 1, 1977, to June 30, 1978, a total of 601 applications had been received, while for the preceding year that figure had been 570, and for the year before it had been 542.

(iii) The representative of Belgium reported in detail on the list of species eligible for protection in his country; that list had been extended and would now comprise 26 species, including all cereal species except maize, and would also include ryegrass, turnip, two vegetable species (peas and beans), the majority of fruit species, three ornamental species (roses, carnation and rhododendron), and poplar. It had been possible to extend that list as a result of collaboration with other member States. So far, bilateral agreements had been concluded with France and the Federal Republic of Germany, while bilateral agreements with Denmark, the Netherlands and the United Kingdom were under discussion. Since the entry into force of plant breeders' rights legislation in Belgium, 152 applications for plant variety protection had been received, of which about 22% were related to Belgian varieties. The 152 varieties comprised 50 cereal varieties, 11 grass varieties, 29 vegetable varieties, 9 fruit varieties, 40 ornamental plant varieties and 13 poplar varieties. Of those varieties 38% benefited from the derogation available under Article 35 of the Convention. For 51% the examinations had already been performed, while for 11% examination had been requested. In Belgium, studies were being made to find out whether the list of species could be enlarged to include the following: potatoes, meadow grass, broad bean, field bean, linseed, red clover, lettuce, black salsify, certain cabbages, tomato and fescue. The Belgian national authorities were furthermore studying the problems involved in the setting up of institutes for the technical examination of varieties. Once those institutes had been created, Belgium would also study the possibility of offering examination facilities to other member States.

(iv) The representative of Denmark reported that during the current year bilateral agreements had been concluded with France and the Netherlands. The list of species covered by those agreements had been published in UPOV Newsletter No. 14. The present bilateral agreement with the Federal Republic of Germany had been amended. Preliminary discussions had taken place to establish bilateral agreements with Belgium and Sweden. As the Federal Republic of Germany would now examine varieties of *Pelargonium* and *Kalanchoë* for Denmark, the Danish list of species eligible for protection would be extended by *Kalanchoë* (*Pelargonium* being already included in that list). Consideration was also being given to the possibility of including *Epiphyllum* in the list of species eligible for protection. After the Diplomatic Conference on the Revision of the Convention, it had been proposed to the Ministry of Agriculture that a Committee be set up to discuss the revision of the national legislation in order to adapt it to the revised text of the Convention.

(v) The representative of France said that in his country the 2000th application for protection had been filed recently. In addition to rejections of applications for lack of homogeneity, varieties were now having to be rejected increasingly for lack of sufficient distinctness. In France, the examination of varieties was more severe for the granting of plant breeders' rights than for inclusion in the national catalogue. Thus, for example, electrophoresis tests were accepted for the examination of varieties for inclusion in the national catalogue but alone they were not sufficient for the granting of plant breeders' rights; nor was chromatographic analysis alone acceptable for establishing distinctness in the case of ornamental varieties. At present the list of species eligible for protection had been increased to more than 60 species. Such an extension had been possible, partly owing to the technical cooperation. So far, bilateral agreements had been concluded with Belgium, Denmark, the Federal Republic of Germany, the Netherlands, Sweden and Switzerland. Discussions were under way to extend the period of protection for certain varieties and especially for lines, for example inbred lines of maize. It was intended to change the present law to allow a protection period of 30 years for those lines.

(vi) The representative of Italy reported that in his country an application for protection had to be presented to the Patent Office, which would then pass it to the Ministry of Agriculture. The Ministry of Agriculture would convene a technical commission to examine the application and, if necessary, to have the variety grown in the field. Since November 8, 1976, 123 applications had been received. The representative of Italy promised to report to his Government the wish of the other member States that a gazette be issued containing information on variety protection and especially on plant patents granted.

(vii) The representative of the Netherlands reported that in his country studies were under way to include fennel, *Liatris*, *Kalanchoë*, *Bougainvillea* and interspecific hybrids of *Ribes* in the list of species eligible for protection. During the past eleven months, 252 varieties had been granted plant breeders' rights (69 agricultural varieties, 48 vegetable varieties, 134 ornamental varieties and 1 forest variety). A bilateral agreement had been concluded with Sweden and discussions on the conclusion of a bilateral agreement had almost been completed with Belgium, while discussions had just started with Switzerland. The Netherlands was keen for Switzerland to carry out the examination of fennel varieties.

(viii) The representative of the United Kingdom reported that in his country a plant breeders' rights system existed since 1965. Over 300 species were eligible for protection, including most of the significant agricultural and vegetable species. So far, 1200 titles of protection had been granted. In 1978, protection had been extended to further species. A bilateral agreement had been concluded with the Netherlands and negotiations were in progress with Belgium, France, the Federal Republic of Germany and Switzerland. The United Kingdom would study what steps were necessary to prepare its ratification of the revised text of the Convention. The ratification of the Additional Act would take place in the near future.

(ix) The representative of Sweden reported that in his country the list of species eligible for protection now covered more than 100 species. During 1978, 60 applications for plant breeders' rights had been received. Bilateral agreements had been concluded with the Federal Republic of Germany and the Netherlands. He had received the power to sign the revised text of the Convention (which he signed in the afternoon of December 6).

(x) The representative of Switzerland said that in his country protection was available for maize, wheat, ryegrass, red clover and apple. The question was being studied whether 15 further species could be made eligible for protection, partly through cooperation in examination, namely kohlrabi, fennel, cocksfoot, meadow fescue, oats, barley, potato, strawberry, raspberry, vine, hortensia, *Kalanchoë*, zonal pelargonium, rose and pansy. At present the question was being studied whether on the national level, and especially with respect to vegetatively propagated species, reference collections could be established which would allow national testing. Since the entry into force of plant variety protection legislation (June 1, 1977), 28 applications had been received. On September 29, 1978, the first plant breeders' right was granted to a variety of red clover. Bilateral agreements had been concluded with France and the Federal Republic of Germany. The conclusion of bilateral agreements with Denmark and the United Kingdom was being discussed.

(xi) The representative of Austria explained that special circumstances had prevented his country from attending the Diplomatic Conference. Its absence should not, however, be taken as lack of interest in UPOV. A new plant variety protection Bill in conformity with the UPOV Convention had been presented to certain government authorities for consideration, but some problems had still to be solved.

(xii) The representative of Canada said that the draft of the plant breeders' rights Bill had been prepared and was now in the process of being adapted to the revised text of the UPOV Convention. The Bill was expected to be completed quite soon for submission to Parliament.

(xiii) The representative of Spain reported that in his country, with the publication of a Ministerial Order on November 25, the legal system of plant breeders' rights had been made operational. Protection in Spain would be starting on December 20, 1978, for varieties of wheat, barley, oats, rice, potatoes, rose and carnation, species which were very important in Spain. The representative recalled that the Spanish application for accession to the UPOV Convention had been accepted by the Council during its fourth extraordinary session in October. It was hoped that the Spanish Parliament would soon authorize the deposit of Spain's instrument of accession.

(xiv) The representative of the United States of America reported that over the last 10 years an average of 130 applications per year for protection under the Plant Patent Act had been received and an average of 138 patents had been granted. In 1977, 202 applications had been received and 164 patents had been granted. With respect to the text of the Convention revised on October 23, 1978, and signed by the United States of America, he reported that the text would shortly be sent for comments to the interested circles. Once the different views were received, draft implementing regulations would be prepared, possibly by the end of 1979. So far, it had been felt that only a few changes would be necessary in the legislation of the United States of America to comply with the revised text of the Convention. He announced the furnishing of a progress report by the Plant Variety Protection Office.

(xv) The representative of Ireland reported that a memorandum had been submitted to his Government by the participants in the Diplomatic Conference to seek authorization to sign the revised text of October 23, 1978. In addition, work had been started on the revision of the draft plant breeders' rights law to bring it into conformity with the revised text of the Convention.

(xvi) The representative of New Zealand reported that following the Diplomatic Conference a paper had been prepared by the Ministry of Agriculture and Fisheries of New Zealand recommending to the Government that New Zealand should sign the Convention in 1979. Before joining UPOV it would be necessary to amend the legislation of his country. Since 1966, 104 applications for protection had been received, of which 12 had been withdrawn, 23 had been granted plant breeders' rights, while 60 were still undergoing tests and 9 were awaiting reports from overseas. Studies were under way to extend protection to wheat, oats, camellias and orchids, and, at a later date, also to brassicas, beans and swedes. It had also been agreed to adopt the UPOV Guidelines and Model Forms as a step in the adaptation of procedures to those of UPOV member States. New Zealand was also interested in cooperating with UPOV member States in the interchange of test data and in the cooperation in examination.

(xvii) The representative of Poland recalled that at the eleventh ordinary session of the Council he had submitted to the Office of the Union a new draft law and draft order concerning seed trade and plant variety protection in his country. He thanked the experts from the member States and the Office of the Union for the help received. He reported that new drafts had been prepared which would be in conformity with the revised text of the Convention. Those drafts would be sent to the Office of the Union. It could be expected that new texts would be presented to the Chamber of Deputies in 1979 and that in one or two years Poland would be ready to accede to the UPOV Convention.

(xviii) The representatives of the Soviet Union reported that special testing systems had been set up under the Ministry of Agriculture of their country for the different crops. A special State Committee was dealing with 227 different species. About 1500 different places had been selected for the carrying out of tests. About 5200 agronomists of different disciplines were dealing with those trials. Test of the varieties would include tests on productivity, on quality, on resistance to pests and diseases, and on yielding capacity including response to different levels of fertilizers. A description of a variety would also include morphological characteristics and all other characteristics which would help to identify the variety. Separate catalogues of varieties recommended for each region were published. It was possible to apply for inventors' certificates for new varieties. If an inventor's certificate was granted, the inventor would receive, in addition to the recognition of his authorship, remuneration for his work (up to 20,000 Roubles) as well as other benefits.

Report by the President on the Work of the Seventeenth and Eighteenth Sessions of the Consultative Committee

5. The President reported that, during the seventeenth session of the Consultative Committee, held on April 20 and 21, 1978, discussions had taken place mainly with respect to the preparation of the Diplomatic Conference. In addition, the importance of the work of the Technical Committee had been strengthened, a preliminary discussion on the budget had taken place, as well as a discussion on the future development of the Union, and the report on a mission to South America had been noted. During the eighteenth session, held on December 5, 1978, the Consultative Committee had held a preliminary exchange of views on the matters to be dealt with during the twelfth ordinary session of the Council.

Report by the Secretary-General on the Activities of the Union in 1977

6. The Secretary-General introduced document C/XII/2. In addition, he mentioned the following four points being particularly noteworthy: the concrete action UPOV had taken with respect to its growth in the preparation and adoption of the revised text of the Convention; the reorganization of the Committees of UPOV leading to the creation of the Administrative and Legal Committee--which, as one of its main tasks, would deal with closer cooperation between certain of the member States--and of the Technical Committee; the increased technical cooperation and the work achieved by the Technical Committee and the Technical Working Parties which prepared the prerequisites for the granting of plant breeders' rights in a uniform way; the excellent cooperation between the UPOV Office and the staff of WIPO. The Council noted the report of the Secretary-General with approval.

Report by the Secretary-General on his Management and the Financial Situation of the Union in 1977; Presentation of the Report Concerning the Auditing of the Accounts for 1977

7. The Secretary-General introduced document C/XII/3.
8. On a proposal from the representative of Switzerland, the Council agreed that in future the financial report should contain only rounded figures in Swiss francs.
9. The report of the Secretary-General on his management and on the financial situation of the Union in 1977 and the report of the Federal Audit Service were unanimously approved by the Council as appearing in document C/XII/3. The Council thanked the Secretary-General and his staff for the very effective and economic handling of the work and noted a report by the representative of Switzerland on the excellent manner in which the accounts had been kept by the WIPO services.

Progress of the Work of the Administrative and Legal Committee

10. Dr. Böringer (Federal Republic of Germany), Chairman of the Administrative and Legal Committee, introduced documents C/XII/5 and C/XII/7. He explained that the Committee had been constituted during the eleventh ordinary session of the Council in order to continue the work formerly undertaken by the Working Group on Variety Denominations, the Fee Harmonization Working Party, the Committee of Experts on International Cooperation in Examination and, partly, the Committee of Experts on the Interpretation and Revision of the Convention. Its main tasks were or had been the harmonization of plant breeders' rights gazettes, the preparation of the Diplomatic Conference, the discussion of the relationship between plant variety protection and competition law and the discussion on a closer co-operation between member States, if necessary on the basis of a special agreement in accordance with Article 29 of the UPOV Convention.
11. The Council noted with approval the report of the Chairman of the Administrative and Legal Committee and asked it to continue its activities as reported upon in document C/XII/5, in particular as far as the discussion of possible closer cooperation between member States on the basis of a special agreement in accordance with Article 29 of the UPOV Convention was concerned. With respect to the harmonization of plant breeders' rights gazettes, the Council expressly recommended to member States which already published a gazette that they should draw it up in accordance with the principles outlined in the Annex to document C/XII/5.
12. The Council also took note of the list of agreements on cooperation in examination already concluded as appearing in document C/XII/7.

Progress of the Work of the Technical Committee

13. Mr. A.F. Kelly (United Kingdom), Chairman of the Technical Committee, introduced document C/XII/8 containing a progress report on the work of that Committee since the last ordinary session of the Council. He centered his report on the following three main points: continuation of the discussion on distinctness, homogeneity and stability; the progress made in the work of the five Technical Working Parties and on the adoption of Test Guidelines; discussion of the future program of work for the Technical Committee and the Technical Working Parties.
14. With respect to the testing of distinctness, the "thoughts" of the Technical Committee as laid down in document C/XII/9 had been made available to the professional organizations but no comments had yet been received by the Technical Committee. The "thoughts" concerning the testing of homogeneity would be sent to the professional organizations for comments and would be rediscussed during the coming session of the Technical Committee. With respect to the testing of stability, the Committee had so far only been able to agree on some general statements. There had been a general acceptance of the fact that testing for stability within the limited time usually available would not lead to the same certainty as testing for distinctness and homogeneity. Some member States felt that testing for homogeneity should give as much information about stability as could reasonably be obtained, while others considered that specific efforts should be made to test stability. The discussion on the subject would have to be continued during later sessions.

15. It was further reported that the Technical Working Parties for Agricultural Crops, for Vegetables, for Ornamental Plants, for Fruit Crops and for Forest Trees had held one meeting each during 1978.

(i) The Technical Working Party for Agricultural Crops had noted that the reference collections used to test distinctness of new varieties differed considerably between the member States and had confirmed that it constituted a major obstacle to the achievement of harmonization of testing. The Working Party had discussed, but not finally resolved, the question which characteristics were "important" in hybrid ryegrasses. A Subgroup on Cereals had noted that in certain species a very quick turnover of varieties might also require a constant change in the example varieties given in the Test Guidelines. (The Council, expressed in this context, the opinion that the same example varieties should be kept as long as possible in the respective Test Guidelines.) The Subgroup on Maize had reported that a working paper for the revision of the Test Guidelines for Maize could be expected during the current year. A motion from ASSINSEL on the harmonization of DUS testing of cereal varieties had been discussed. With respect to Test Guidelines, the Technical Working Party had agreed that those for Rye should be presented to the Technical Committee for adoption while those for Lupins, for Ryegrass (revised) and for Sheep's Fescue and Red Fescue should be sent to the professional organizations for comments.

(ii) The Technical Working Party for Vegetables had also noted the problem of disparate reference collections and had seen the solution in a further effort to divide the work between different member States. Discussions had taken place on the methods for disease testing, principally in Phaseolus beans. Draft Test Guidelines for Radish, for Black Radish and for Kohlrabi had been prepared for mailing to the professional organizations for comments, while draft Test Guidelines for Beetroot, for Cucumber and Gherkin, and for Rhubarb had been recommended to the Technical Committee for adoption.

(iii) The Technical Working Party for Ornamental Plants had agreed that the Test Guidelines for Lily could be recommended for final adoption by the Technical Committee, while those for Berberis, for Chrysanthemum, for Forsythia and for Pelargonium had been agreed on for mailing to the professional organizations for comments. A revision of the existing Test Guidelines for Roses had been started.

(iv) The Technical Working Party for Fruit Crops had recommended the Technical Committee to adopt the draft Test Guidelines for Almond, while it had agreed that those for Apricot and for Hazelnut should be sent to the professional organizations for comments.

(v) The Technical Working Party for Forest Trees had discussed draft Test Guidelines for Poplar (revised) and for Willow in detail and had agreed to submit the drafts of both for comments to the International Poplar Commission and of those for Willow to the professional organizations. Furthermore, working papers for Test Guidelines for Spruce and for Thuya had been prepared.

16. With respect to the future program of the Technical Committee, its Chairman reported that work was still to be done on testing of stability.

17. With respect to the future program of the Technical Working Parties, it was mentioned that they were at different stages. The Technical Working Parties for Agricultural Crops and for Vegetables had produced Test Guidelines for almost all of the main species for which they were responsible. They should thus increasingly consider questions such as the harmonization of reference collections and start to revise the already existing Test Guidelines, paying particular attention to agreeing on methods for testing. The Technical Working Parties for Ornamental Plants and for Fruit Crops still had some way to go in preparing new Test Guidelines. As far as possible, that would be done as before on the basis of working papers prepared by small groups or by individuals. Those Working Parties were, however, beginning to consider revision of earlier Test Guidelines and would be asked to include specifications for methods where appropriate. The Technical Working Party for Forest Trees, which had been established later than the other Working Parties, still had to complete Test Guidelines for several important crops.

18. In this connection, the representative of Canada raised the question how it could be ensured that, in cases where the authority of one member State performed the examination on behalf of another member State, the examining authority could assess the distinctness of the variety to be examined against other varieties existing in the other State but not known to that examining authority. After some discussion, it was felt that the question might have to be discussed further. It might call for a solution taking into account the technical as well as the administrative aspects.

19. The Council also noted the information given in document C/XII/6 with respect to the species eligible for protection in each of the member States and with respect to offers for cooperation in examination.

20. The Council finally noted with satisfaction the report on the work of the Technical Committee and approved the program mentioned in the above paragraphs as well as in document C/XII/8.

Discussion of the Results of the Diplomatic Conference on the Revision of the Convention

21. The President of the Council, who had also been the President of the Diplomatic Conference on the Revision of the Convention, referred to page 2 of UPOV Newsletter No. 15, of December 1978, giving a short report on the Diplomatic Conference (instead of presenting document C/XII/11 as anticipated in the draft agenda).

22. The planned activities resulting from the Diplomatic Conference were approved as described in document C/XII/12.

Examination and Approval of the Program and Budget of the Union for 1979

23. Discussions were based on document C/XII/4.

24. The Council considered a proposal by the representative of France that priority should be given to the preparation of an English version of the Records of the International Conferences of 1957 to 1961 and 1972 ("Actes des Conférences 1957-1961/1972"). It decided that the preparation of the Records of the Diplomatic Conference of 1978 must have priority but that English and German translations of the Records of the earlier Diplomatic Conferences should be published when possible within existing budgetary limits. It also agreed to a suggestion from the Secretary-General that costs should be minimized by publishing those translations in typed off-set rather than printed form.

25. The President of the Council expressed to the representative of the Netherlands the satisfaction of the Council at the decision of the Government of the Netherlands to increase its number of contribution units from two to three. The change had the effect of increasing the number of contribution units given in Annex B of document C/XII/4 from 26 to 27.

26. The Secretary-General, welcoming the decision of the Government of the Netherlands, suggested to the Council that it might now consider not following the proposal to use 39,000 francs from the Reserve Fund since the value of one contribution unit could be maintained at the 1978 level without taking such a step. If that suggestion were followed, it might be possible to maintain that level for a further period of two or three years.

27. Having regard to the view expressed by a number of representatives that the value of one contribution unit should begin to drop so as to reflect the increase in the number of member States, and to the unexpected benefit of the additional contribution unit taken up by the Government of the Netherlands, a number of alternative proposals for balancing income and expenditure were considered. The Council decided that the value of one contribution unit should be reduced from the proposed sum of 42,808 francs to 41,500 francs, which meant that 31,500 francs from the Reserve Fund would be required to balance income and expenditure as against the sum of 39,000 francs proposed in paragraph 10 of document C/XII/4. The Council then formally adopted a revised Annex B to document C/XII/4 showing the calculation of the yearly contributions of member States for 1979. It is reproduced in the Annex to this document.

28. The Council unanimously adopted the program and budget for 1979 as proposed in document C/XII/4, subject to the adjustments indicated in the preceding paragraph.

29. The Council agreed to note the wish expressed by the representatives of the Federal Republic of Germany that every effort should be made by the Office of the Union to provide the clearest possible background information regarding individual items included in the budget proposals for subsequent years.

30. The Council expressed the general wish, following discussion of a proposal by the representative of the Federal Republic of Germany, that, in principle, the ratio of the Reserve Fund to the annual budget should be adjusted over the next few years with a view to not exceeding the level of about 5%.

Calendar of Meetings in 1979

31. The Council agreed to the following changes in the Calendar of Meetings in 1979 as adopted by it at its fourth extraordinary session and as reflected in document C/XII/10. The meeting of the Technical Committee planned for March 28 to 30 was to be held from March 26 to 28 and the meeting of the Technical Working Party for Agricultural Crops planned for May 22 to 24 was to be held from May 21 to 23. The meeting of the Administrative and Legal Committee to be held on April 24 and 25 should be preceded by an informal meeting in the afternoon of April 23.

32. In response to observations from the representatives of Canada and of the United States of America, the Council noted the need to continue to give careful consideration to the frequency with which meetings were held and to the desirability of holding some meetings outside Europe as membership of the Union extended further into other regions of the world.

Admission of Observers to Council Sessions and to Various Meetings of the Union

33. The Council agreed that the following States should be invited to send observers to the next ordinary sessions of the Council in addition to those States which had been invited to the present Council session: Bangladesh, Bolivia, Bulgaria, Colombia, Ecuador, Iran, Iraq, Ivory Coast, Libyan Arab Jamahiriya, Mexico, Morocco, Panama, Peru, Saudi Arabia, Thailand, Venezuela.

34. The Council further agreed that the Consultative Committee be authorized to decide at its spring session whether invitations should be extended to additional States or associations of States.

Election of a New Vice-President of the Council

35. The Council unanimously elected Mr. W. Gfeller (Switzerland) as Vice-President of the Council for a period of three years ending with the closing of the ordinary session of the Council in 1981.

36. Mr. Gfeller thanked the Council for the confidence placed in him and in his country.

Election of the New Chairmen of the Technical Working Parties

37. At the invitation of the President, Mr. Kelly (Chairman of the Technical Committee) proposed for the consideration of the Council that the following persons be elected to chair the respective Technical Working Parties:

- for Agricultural Crops : Miss J. Rasmussen (Denmark)
- for Forest Trees : Mr. F. Schneider (Netherlands)
- for Fruit Crops : Mr. A. Berning (Federal Republic of Germany)
- for Ornamental Plants : Mr. A. George (United Kingdom)
- for Vegetables : Mr. J. Brossier (France)

38. The Council unanimously elected the persons named in the preceding paragraph to chair the respective Technical Working Parties for a period of three years.

Staff Matters

39. The Vice Secretary-General informed the Council, in accordance with Article 4(b) of the Administrative Regulations of UPOV (document UPOV/INF/4, Part IV), that the Secretary-General intended, on the recommendation of the Vice Secretary-General, to promote Mr. Heitz and Mr. Wheeler to grade P.3. The Council took note of the Secretary-General's intentions.

Test Guidelines for Vine

40. The Council decided that the new Chairman of the Technical Working Party for Fruit Crops, Mr. A. Berning, should be asked to contact the International Vine Office with a view to ensuring the maximum possible harmonization between the UPOV Test Guidelines for Vine and any similar documentation produced by that office.

Adoption of Reports of Council Sessions

41. On a proposal from the President, the Council agreed that an item should be included in the agenda for the nineteenth session of the Consultative Committee to allow for reconsideration of the present requirement that the adoption of reports of Council sessions was a matter for the entire Council.

Working Capital Fund

42. The Council recalled its earlier decisions on the Working Capital Fund, as reflected in document C/VI/12, paragraph 57,

(a) to fix the amount of the Working Capital Fund at 15,000 Swiss francs;

(b) to approve the following decisions of the Consultative Working Committee:

(i) that the share of the member States in the Working Capital Fund would be based on the units established for the purpose of the annual contributions under Article 26(4) of the Convention; however, voluntary contributions should not be taken into account for the purpose of calculating the share in the Working Capital Fund;

(ii) that, if a member State officially changed to a higher class under the present Convention or to a class involving an increase in the number of units under a revised Convention, it would be called upon to pay into the Working Capital Fund an additional amount in proportion to the number of additional units it had officially chosen to contribute as its obligatory contribution; such additional payment(s) would increase the total of the Working Capital Fund;

(iii) that the member States which had to pay amounts into the Working Capital Fund would be invited to do so in the course of 1973.

(c) to fix the contribution towards the Working Capital Fund of new members joining the Union, either under the present Convention or under a revised Convention, at 8,333 Swiss francs for each unit they officially elected to contribute under the contribution class chosen; such additional payment(s) would increase the total of the Working Capital Fund.

43. This report was unanimously adopted by the Council at its meeting on December 8, 1978.

[Annex follows]

ANNEX

YEARLY CONTRIBUTIONS OF MEMBER STATES

(expressed in Swiss francs)

| <u>1977</u> | <u>1978</u> | <u>Member States</u> | <u>Number of Units</u> | <u>1979</u> |
|-------------------------|---------------------------|---------------------------------|------------------------------|---------------------------|
| 42,619 | 64,212 | Belgium | 1½ | 62,250 |
| 63,929 | 64,212 | Denmark | 1½ | 62,250 |
| 213,095 | 214,038 | France | 5 | 207,500 |
| 213,095 | 214,038 | Germany, Federal Republic of | 5 | 207,500 |
| - | 85,615 | Italy | 2 | 83,000 |
| 85,238 | 85,615 | Netherlands | 2 + 1 | 124,500 |
| - | 42,808 | South Africa | 1 | 41,500 |
| 63,929 | 64,212 | Sweden | 1½ | 62,250 |
| - | 64,212 | Switzerland | 1½ | 62,250 |
| 213,095 | 214,038 | United Kingdom | 5 | 207,500 |
| <u>895,000</u> ===== | <u>1,113,000</u> ===== | | <u>26</u> <u>27</u> ===== | <u>1,120,500</u> ===== |

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