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UPOV

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Seventeenth Ordinary Session

Geneva, October 12 to 14, 1983

ELECTION OF OFFICERS

Document prepared by the Office of the Union

1. At the seventeenth--the current--ordinary session of the Council three Chairmen have to be elected. Items 14 and 15 of the draft agenda for that session provide for the election of the new President of the Council of UPOV and of the new Chairman of the Technical Committee. In both cases the term of office of the present incumbent expires at the end of the seventeenth session.
2. The third Chairman to be elected, under item 16 of the draft agenda, is the Chairman of the Technical Working Party on Automation and Computer Programs. The Council decided at its sixteenth ordinary session that item UV.04 (Technical Working Parties) of the Program and Budget of the Union for 1983 should provide "for a possible meeting of statisticians and experts to develop anticipated discussions on the possibilities for harmonizing the application of electronic data processing by the testing authorities of member States" (see paragraph 24(vi) of document C/XVI/20). The Technical Committee, at its eighteenth session, having noted the information collected from member States by the Office of the Union, decided "to set up a Technical Working Party to study the question of harmonization of automation and computer programs" (see paragraph 32 of document TC/XVIII/13 Prov.). Pending an opportunity for the Council to elect the Chairman of that Technical Working Party, the Technical Committee asked its current Chairman, Mr. C. Hutin (France), to act in that capacity, which he did at the first session, held in May 1983.
3. The terms of office of the remaining Officers do not expire either until the end of the eighteenth ordinary session of the Council (Vice-President of the Council and the Chairmen of the Technical Working Parties for Agricultural Crops, for Fruit Crops, for Ornamental Plants and Forest Trees and for Vegetables), or until the end of the nineteenth ordinary session of the Council (Chairman of the Administrative and Legal Committee).
4. In providing for further elections under item 16 of the draft agenda the Office of the Union had in mind that the elections referred to in paragraphs 1 and 2, above, could give rise to the need for further elections, should they result in the election of one or more existing Office holders.

5. The Office of the Union notes further, with regard to item 16 of the draft agenda, that the first sentence of Rule 37(2) of the new Rules of Procedure of the Council (published in document UPOV/INF/7 and in document No. 4 of the "Collection of the Texts of the UPOV Convention and Other Important Documents Established by UPOV", and reproduced in part in the Annex to this document) provides that "each committee shall have a chairman and a vicechairman who shall be elected by the Council." Vice-Chairmen have not so far been elected for the Administrative and Legal Committee, for the Technical Committee or for any of the five Technical Working Parties.

6. The provisions of the UPOV Convention and of the new Rules of Procedure of the Council on which elections are to be based are reproduced in the Annex to this document.

7. The Council is invited to:

(i) elect its new President;

(ii) elect the new Chairman of the Technical Committee;

(iii) elect the Chairman of the Technical Working Party on Automation and Computer Programs;

(iv) proceed to such further elections as the elections referred to under (i), (ii) and (iii), above, may make necessary;

(v) elect Vice-Chairmen for the Administrative and Legal Committee, the Technical Committee and each of the five Technical Working Parties.

[Annex follows]

PROVISIONS ON ELECTIONS

UPOV Convention

Article 18
(President and Vice-Presidents of the Council)

- (1) The Council shall elect a President and a first Vice-President from among its members. It may elect other Vice-Presidents. The first Vice-President shall take the place of the President if the latter is unable to officiate.
- (2) The President shall hold office for three years.

Rules of Procedure of the Council

Rule 3: Term of Office of the President and Vice-Presidents of the Council

- (1) The three years referred to in Article 18(2) of the UPOV Convention shall mean the period between the end of the ordinary session of the Council in which the President of the Council was elected until the end of the ordinary session of the Council held in the calendar year which is the third after the calendar year in which the President has been elected.
- (2) The term of office of the First Vice-President, and that of possible further Vice-Presidents, referred to in Article 18(1) of the UPOV Convention, shall be three years, and the provisions of paragraph (1), above, shall apply, mutatis mutandis.
- (3) The outgoing President of the Council shall not be immediately eligible for re-election to the post of President of the Council. The outgoing First Vice-President shall not be immediately eligible for re-election to the post of first Vice-President.



Rule 37: Rules of Procedure of Committees

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- (2) Each committee shall have a chairman and a vice-chairman who shall be elected by the Council.....

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Rule 21: Voting

Proposals and amendments, submitted by a delegation shall be put to the vote only if they are supported by at least one other delegation.

Rule 22: Method of Voting in General

Voting shall normally be by a show of hands.

Rule 23: Voting by Roll-Call

(1) Voting shall be by roll-call:

(i) if, when the result of a vote by show of hands is in doubt, the chairman so decides;

(ii) if at least two delegations so request, either before voting takes place or immediately after a vote by show of hands.

2) The roll shall be called in the alphabetical order of the names in French of the States represented, beginning with the delegation whose name is drawn by lot by the chairman.

(3) When voting is by roll-call, the vote of each delegation shall be recorded in the report on the session.

Rule 24: Voting by Secret Ballot

(1) All elections and decisions concerning States or individuals shall be voted on by secret ballot if at least two delegations so request.

(2) Voting by secret ballot is governed by special regulations, which form the annex to the present Rules of Procedure and are an integral part thereof.

Rule 29: Election for a single post

When a single elective place is to be filled and none of the candidates obtains the required majority in the first ballot, additional ballots shall be taken which shall be restricted to the two candidates having obtained the greatest number of votes.

Rule 30: Election for several posts

(1) When several elective places are to be filled at one time and in the same conditions, the officers or a nominations committee set up for the purpose may submit to the Council a list containing a number of candidates equal to that of the places to be filled. The procedure provided for in paragraph (2), below, shall be applied if the Council does not unanimously accept the list thus proposed.

(2) When several elective places are to be filled at one time and in the same conditions, those candidates obtaining the required majority in the first ballot shall be elected. If the number of candidates obtaining such majority is less than the number of places to be filled, there shall be additional ballots to fill the remaining places. The voting shall then be restricted to the candidates obtaining the greatest number of votes in the previous ballot, up to a number which shall not, however, be more than twice the number of places remaining to be filled.

Rule 31: Required Majority

Unless expressly provided otherwise in the UPOV Convention or in the present Rules of Procedure, all decisions shall require a simple majority.

Rule 32: Majority and Unanimity; Equally Divided Votes

(1) In determining whether the required majority or unanimity is attained, only votes actually cast shall be taken into consideration. Abstentions shall not be considered votes.

(2) When, on matters other than elections which require a simple majority, a vote is equally divided, the proposal or amendment shall be considered rejected.

Rule 33: Explanations of Votes Cast

(1) The chairman may allow delegations to explain their votes, either before or after the voting takes place, unless the vote is taken by secret ballot.

(2) Explanations of votes cast shall be recorded in the report on the session.

Rule 34: Chairmen Not Entitled to Vote

(1) No chairman shall vote.

(2) Another member of the delegation of the chairman may vote for the State the chairman represents.

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Annex to the Rules of Procedure of the Council: Rules for Voting by Secret Ballot

Rule 1. In order to vote, delegations must be properly accredited.

Rule 2. Before the ballot begins, the chairman shall appoint two tellers from among the delegates present. He shall hand them the list of delegations entitled to vote and, where applicable, the list of candidates.

Rule 3. The secretariat shall distribute ballot papers and envelopes to the delegations. Ballot papers and envelopes shall be of white paper without distinguishing marks.

Rule 4. The tellers shall satisfy themselves, that the ballot box is empty, and, having locked it, shall hand the key to the chairman.

Rule 5. Delegations shall be called in turn by the Secretary of the meeting, in the alphabetical order of the names of the member States in French, beginning with the member State whose name shall have been drawn by lot.

Rule 6. When their names are called, delegations shall hand their ballot papers, in the envelopes, to a teller, who shall place them in the ballot box.

Rule 7. To indicate the recording of each member State's vote, the Secretary of the meeting and one of the tellers shall sign or initial the list in the margin opposite the name of the member State in question.

Rule 8. At the conclusion of the calling, the chairman shall declare the ballot closed and announce that the votes are to be counted.

Rule 9. When the chairman has opened the ballot box, the tellers shall check the number of envelopes. If the number is greater or less than that of the voters, the chairman shall be informed, and shall then declare the vote invalid and announce that it is necessary to re-open the ballot.

Rule 10. One of the tellers shall open the envelopes, one by one, read aloud what is written on the ballot paper, and pass it to the other teller. The votes inscribed on the ballot papers shall be entered on the lists prepared for that purpose.

Rule 11. Blank ballot papers shall be considered to be abstentions.

Rule 12. The following shall be considered invalid:

(a) ballot papers in which there are more names than there are States or persons to be elected:

(b) ballot papers in which the voters have revealed their identity, in particular, by apposing their signature or mentioning the name of the member State they represent:

(c) ballot papers which do not give a clear reply to the question asked.

Rule 13. A candidate is entitled to only one vote per ballot paper, even if his name appears more than once thereon.

Rule 14. When the counting of the votes is completed, the chairman shall announce the results of the ballot in the following order:

number of member States entitled to vote at the session;

number absent;

number of abstentions;

number of invalid ballot papers;

number of votes recorded;

number of votes constituting the required majority;

number of votes for or against the proposal or names of the candidates and number of votes secured by each of them, in descending order of the number of votes.

Rule 15. The chairman shall announce the decision resulting from the vote. In particular, he shall declare elected those candidates who have obtained the required majority.

Rule 16. Immediately after the announcement of the results of the ballot, the ballot papers shall be burnt in the presence of the tellers.

Rule 17. The lists on which the tellers have recorded the results of the vote shall, after signature by the chairman and by the tellers, constitute the official record of the ballot, and shall be deposited in the archives of the Union.

Rule 18. The chairman of the meeting shall draw the attention of delegations to these Rules whenever a vote is taken by secret ballot.

Rule 19. (1) These Rules shall in no way affect any provisions according to which a quorum may, in certain conditions, be attained after the session.

(2) Votes expressed by correspondence shall not be secret.

[End of Annex and of document]