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UPOV

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Twentieth Ordinary Session
Paris, December 2, 1986REPORTS FROM REPRESENTATIVES OF MEMBER STATES, OBSERVER STATES
AND INTERGOVERNMENTAL ORGANIZATIONScollected by the Office of the Union

1. Representatives of member States, of observer States and of intergovernmental organizations participating in ordinary sessions of the Council of UPOV normally present an oral report on the development of plant variety protection in their country or organization. Such "country reports" or "organization reports" are considered to form an important and valuable part of those sessions. Since it will not be possible for the reports to be given in the usual way this year, because of the reduced amount of time available for the session, the States and organizations invited to the twentieth ordinary session of the Council have been invited to submit a report to the Office of the Union in writing.

2. The Annexes to this document reproduce the reports received by the Office of the Union by October 30, 1986. They are grouped into reports from member States (Annex I), reports from observer States (Annex II) and reports from intergovernmental organizations (Annex III).

[Annexes follow]

REPORTS ON THE DEVELOPMENT OF PLANT VARIETY PROTECTION
IN MEMBER STATES

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I. BELGIUMCurrent Situation (as at 31.07.1986)

Since 19.07.1985, date of the entry into force of the Royal Decree of 21.05.1985, the list of protected taxa has contained 168 genera and species, viz.:

- 10 cereals, including maize and triticales
- 3 industrial species (flax, hops, potato)
- 35 fodder species (grasses and other fodder crops)
- 27 vegetables species
- 20 fruit species
- 67 ornamental species (including 25 orchids and 6 bromeliaceae)
- 6 forestry species

The situation as at 31.07.1986 is given in the summary table below.

Between the entry into force of plant variety legislation in Belgium and 31.07.1986, 634 applications have been filed and 463 certificates issued, of which 309 are still in force.

Certificates have been issued for 38 genera and species out of a total of 168.

The situation in respect of protection has become stable. However, requests for protection concern in the main a small number of major taxa. Roses alone make up some 31% of the certificates issued.

Rose, chrysanthemum and azalea varieties constitute 45% of all protected varieties, cereals 18% and potato 11%.

It should be noted that Belgian breeders are most active in creating new varieties in the cereals sector. They therefore frequently play an important part as conservatory breeders for foreign varieties that are included in the national catalogue of varieties of agricultural plant species.

Following the extension of the list of protectable varieties, in 1985, increased enthusiasm for protecting ornamental plants has been noted.

The fees to be paid for the DHS testing in Belgium (catalogue and plant breeders' rights) have remained unchanged.

In the statutory field, as regards the 1978 Revised Act of the Convention, the draft Law approving the Act and amending the Law of May 20, 1975, on the Protection of Plant Varieties is still in the hands of the lawmaker.

By Royal Decree of November 19, 1985, the Plant Variety Council was renewed (Moniteur belge of December 10, 1985). A draft Royal Decree was submitted to the Council of State for its opinion on July 23, 1986, in the matter of scope of protection. The draft proposes, in particular, that the protection enjoyed by cut flowers under Belgian law should be extended to fruit and forestry production.

As to the technical aspects of protection, examination of the distinctive features of homogeneity and stability of varieties in respect of which protection has been applied for is entrusted to official institutes abroad for the majority of protected genera and species, with the exception of a number of agricultural crops.

Applications for protection and granted certificates (* **)

	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	Total	Number of valid certificates
<u>Agricultural species</u>												
Autumn turnip		-	-	1	-	-	-	-	-	-	1	
		-	-	-	-	-	1	-	-	-	1	nil
Barley	-	17	1	2	2	8	4	4	3	1	42	
	-	-	15	2	2	2	8	5	2	2	38	21
Bread wheat	1	20	4	3	2	4	1	8	2	-	45	
	-	1	20	4	2	2	4	6	3	1	43	19
Field bean			-	-	-	-	-	1	-	-	1	
			-	-	-	-	-	1	-	-	1	1
Flax			2	6	2	-	-	1	-	-	11	
			-	7	-	-	3	-	-	-	10	7
Hop			-	-	-	-	-	2	-	-	2	
			-	-	-	-	-	2	-	-	2	2
Hybrid ryegrass	1	1	-	-	-	-	-	-	-	-	2	
	-	-	1	1	-	-	-	-	-	-	2	1
Italian ryegrass	-	4	-	-	-	-	-	-	1	-	5	
	-	-	4	-	-	-	-	-	-	-	4	
Meadow fescue			-	2	1	-	-	-	-	-	3	
			-	2	-	-	-	-	1	-	3	1
Oats		10	2	-	2	2	1	1	-	-	18	
		-	11	-	2	2	-	1	1	-	17	11
Perennial ryegrass	1	6	3	3	-	1	-	1	-	-	15	
	-	-	7	-	1	2	-	-	1	-	11	5
Potato			-	33	-	-	4	2	1	-	40	
			-	29	3	1	-	2	5	-	40	34
Red fescue			-	7	-	-	-	-	-	-	7	
			-	7	-	-	-	-	-	-	7	
Rye		1	1	-	-	-	-	-	-	-	2	
		-	2	-	-	-	-	-	-	-	2	2
Smooth-stalked meadow grass			-	4	-	-	-	-	-	-	4	
			-	4	-	-	-	-	-	-	4	
Spelt		1	-	1	-	1	-	-	-	-	3	
	-	-	1	-	1	1	-	-	-	-	3	2
White clover			-	1	-	-	-	-	-	-	1	
			-	1	-	-	-	-	-	-	1	

(*) First line: applications filed; second line: titles of protection issued.

(**) To July 31, 1986.

	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	Total	Number of valid certificates
<u>Fruit species</u>												
Apple		1	1	1	1	4	8	-	6	4	26	
		1	-	1	-	1	1	-	7	4	15	15
Black currant									2	-	2	
									2	-	2	2
Cherry		-	-	-	-	-	1	-	2	-	3	
		-	-	-	-	-	-	-	-	-	-	
Pear		-	-	-	-	-	2	-	1	-	3	
		-	-	-	-	-	-	-	-	-	-	
Plum		-	-	1	-	2	-	-	-	-	3	
		-	-	1	-	-	-	-	-	-	1	1
Raspberry			-	-	-	-	-	1	-	-	1	
			-	-	-	-	-	-	-	-	-	
Red and white currants									1	-	1	
									-	-	-	
Strawberry		8	2	-	3	1	4	-	3	1	22	
		8	-	2	-	-	5	1	1	-	17	13
<u>Vegetable species</u>												
Black salsify			-	2	-	1	-	1	-	-	4	
			-	1	-	-	-	-	-	-	1	1
Cauliflower			-	-	1	-	-	-	-	-	1	
			-	-	-	-	1	-	-	-	1	1
French bean	-	13	1	-	2	-	-	-	1	3	20	
	-	5	3	4	-	-	1	-	1	1	15	4
Lettuce			2	1	1	-	-	-	-	-	4	
			-	2	-	1	-	-	-	-	3	2
Pea	-	17	2	-	-	2	1	2	5	1	30	
	-	6	7	2	2	-	-	1	1	2	21	11
<u>Ornamental species</u>												
Anthurium										1	1	
										-	-	
Azalea		4	1	3	3	-	3	1	8	-	23	
		-	2	3	5	1	1	3	-	2	17	15
Bromeliaceae					-	2	1	1	1	1	6	
					-	-	-	-	-	1	1	1
Carnation		-	4	-	2	-	-	-	-	-	6	
		-	-	4	2	-	-	-	-	-	6	nil
Christ's thorn										1	1	
										-	-	
Chrysanthemum					-	13	14	12	12	5	56	
					-	1	12	1	8	4	26	26
Freesia					-	-	1	-	-	-	1	
					-	-	-	1	-	-	1	1

	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	Total	Number of valid certificates
Kalanchoë										6	6	
										-	-	
Lily										1	1	
										-	-	
Poinsettia										4	4	
										-	-	
Rose		40	8	17	21	11	23	26	21	25	192	
		-	19	9	26	27	12	18	14	9	134	98
Tulip										1	1	
										-	-	
Forest trees												
Poplar		13	-	-	-	-	-	-	-	-	13	
		-	-	13	-	-	-	-	-	-	13	13
TOTAL	3	156	34	88	43	52	68	64	70	55	633	
	-	21	92	99	46	41	49	42	47	26	463	310

II. DENMARKApplications and Grants of Plant Breeders' Rights

In 1985, 227 applications for plant breeders' rights were received:

Agricultural crops accounted for	66
Fruit crops	3
Ornamentals	158

In 1985 the number of titles of protection were 126:

Agricultural crops accounted for	55
Vegetables	1
Ornamentals	70

The period January 1 to September 5, 1986, shows 121 applications for protection and 77 titles of grants of protection.

Legislation

The revision of the Danish Law on the Protection of Plant Breeders' Rights began as previously stated in 1984 by appointment of a law committee. Unfortunately the work of the committee was delayed for several reasons, but a subcommittee which should deal particularly with the problems within the vegetatively propagated species has finalized a report, now being handled in the law committee itself. A number of the greater problems in connection with the revision is expected to be solved as a result of the work of the subcommittee so that greater progress in the work of the revision may now be anticipated. Whether the work of the committee may be finished to be introduced as a bill to parliament for its next session is, however, uncertain.

On the preparation of the final words of the Act, comparisons will be made as far as possible with the laws which have been recently adopted in the other member States.

Inclusions of New Species in the List of Species Eligible for Protection

With effect as from April 9, 1986, the Danish list of species eligible for protection was enlarged with x Triticosecale Wittmack (Triticale) and Vaccinium-Corymbosum L. and hybrids (Blueberry). The species mentioned will be tested at the Bundessortenamt, Federal Republic of Germany.

Cooperation in Examination

Since the last Council meeting there have been discussions with the authorities in France, the Federal Republic of Germany, the Netherlands and the United Kingdom about a revision of the present agreements on cooperation as well as with the Danish professional organizations. We hope to have decided on new cooperation agreements with the countries mentioned on January 1, 1987. Hereafter we hope quickly to enter into agreements of a corresponding character with Belgium, Sweden and Switzerland.

Testing for Distinctness, Uniformity and Stability

As reported at the last Council meeting a study tour to the United States was made from Danish quarters to examine more closely the principles of testing for distinctness, uniformity and stability of varieties. As it is known the testing in the United States is carried out by the breeders and an application for plant breeders' rights is to include a complete description of the variety which is applied for.

The result of the study tour has lead to the decision of carrying through a pilot project according to the American testing principles in order to examine the practical consequences more closely. An ornamental species will be chosen for the pilot project. The purpuss of the study tour as well as of the pilot project were to study the possibilities of reducing the testing cost and so to enlarge the number of species in the list of species eligible for protection.

A report on the results of the study tour has been prepared and is now translated into English being accessible to those who might be interested.

III. FRANCE

A. LEGISLATIVE AND REGULATORY ASPECTS

Extension of Protection

The administrative procedure has been initiated to extend protection to new groups of plants:

- agricultural plants : tall fescue, rye
- vegetable plants : chicory, courgette, cucumber-gherkin, and various cabbage
- ornamental plants : Christ's thorn, show and fancy pelargoniums
- fruit trees : walnut
- mushrooms : oyster mushroom.

Plant Material in Which the Right Subsists

The domestic legislation defines for each category of species those elements of the plant in which breeders' rights subsist. These elements are as follows:

SPECIES	ELEMENTS OF THE PLANT IN WHICH BREEDERS' RIGHTS SUBSIST
Sexually reproduced agricultural and vegetable species	Seed and plants or parts of plants plants marketed for planting
Potato	Seed potato intended for propagation of the species
Fruit species, except strawberry	Any part of the plant intended for use as propagating material, such as seedlings, grafts, cuttings, runners, or intended for growing purposes with a view to the commercial production of fruit. The seeds, pips and kernels of those species, where they may be used as seed for sexual reproduction of the varieties
Strawberry	All or part of the plant intended for use as propagating material of the variety
Ornamental species	All or part of the plant and all elements used for reproduction or propagation
Poplar	Cuttings or, in general, any part of the plant intended for use as propagating material

Term of Protection

The CPOV does not currently envisage, as things stand, a longer term of protection than 25 years.

Variety Denominations

A "variety denominations" order issued in 1982 has amended the rules that had been applied since 1974.

Denominations comprising letters and figures may now be deemed acceptable where they constitute an established practice.

Wherever possible, priority is given to denominations already used in another country to designate a new variety and thus avoid the generation of synonyms.

As a general rule, the word or words that constitute a variety denomination should not contain more than three syllables where there is no existing meaning.

These provisions comply with the UPOV Recommendation on Variety Denominations of October 9, 1984, and have meant that the previous domestic rules have become more flexible. Nevertheless, the users still consider them to be much too restrictive. There is a high frequency of litigation and this of course causes problems both for users and for the national authority that has to examine the applications.

Fees

The annual examination fees are to be laid down in the near future as follows:

- Categories A and B : Agricultural plants, horticultural and vegetable plants, fruit and forest trees, shrubs bearing berries and small fruit, ornamental plants cultivated particularly for cut flowers..... 2,390
- Category C : Ornamental seedlings and shrubs cultivated solely for the garden or in pots..... 1,330

B. PLANT VARIETY CERTIFICATES

Results

A survey of the use made in France of the plant variety protection system is given at annex.

The number of protected taxa has progressed from 65 in 1980 to 85 in 1986.

The filing of applications for plant variety certificates has increased each year, with the exception of 1984.

1981 = 426, 1982 = 498, 1983 = 616, 1984 = 553, 1985 = 775.

As at September 15, 1986, 504 new applications for certificates have been recorded.

The number of certificates currently in force also grows regularly:

1559 in 1982, 1788 in 1983, 1929 in 1984, 2133 in 1985.

It must also be emphasized that the number of establishments breeding agricultural plants on French territory tends to be maintained or to grow rather than to recede.

C. BILATERAL AND MULTILATERAL COOPERATION

During the period from July 1, 1985, to June 30, 1986, France received 176 requests for results and communicated 83 reports during that same period (including both catalogue and protection activities).

For its part, France has requested, in respect solely of protection, 249 results and has received 91 final reports.

France intends to pursue a balanced policy of bilateral cooperation with all its UPOV partners. Last year, it signed new cooperation agreements with the Federal Republic of Germany and with Belgium. Others are under preparation with a number of partners.

D. FORMS OF PROTECTION

The French Committee is not opposed, in principle, to the existence of protection by means of industrial or commercial patents for biotechnological processes that meet the current criteria. However, it considers that untrammelled use must be possible of all protected plant material as a source of initial variation. This stance is taken to conserve the progress of research throughout the world and of exchanges between research workers.

COMMITTEE FOR THE PROTECTION OF NEW PLANT VARIETIES

MEETING OF OCTOBER 24, 1985--ITEM V

Annual Statistics as at October 24, 1985

STATISTICS	YEARS															
	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	
<u>Annual statistics</u>																
Number of applications	10	598	131	116	183	273	384	380	381	454	426	498	616	553	775	
Number of withdrawals	-	-	14	32	34	58	36	58	94	89	121	135	150	132	87	
Number of refusals	-	-	-	-	2	7	6	15	3	18	8	7	11	24	3	
Number of certificates granted	-	6	22	251	139	142	127	223	126	206	454	344	377	288	343	
Number of applications examined	-	-	36	283	175	207	269	296	223	313	583	486	538	444	433	
Number of certificates expired or relinquished	-	0	1	4	21	27	27	42	72	85	126	76	148	147	139	

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COMMITTEE FOR THE PROTECTION OF NEW PLANT VARIETIES

Multiannual Statistics as at October 24, 1985

STATISTICS	YEARS													
	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
Number of applications	608	739	885	1038	1311	1695	2075	2456	2910	3336	3834	4450	5003	5778
Number of withdrawals	-	14	46	80	138	174	232	326	415	536	671	821	953	1040
Number of refusals	-	-	-	2	9	15	30	33	51	59	66	77	101	104
Number of certificates granted	6	28	279	418	560	687	910	1036	1242	1696	2040	2417	2705	3048
Number of applications examined	-	36	319	494	701	970	1266	1489	1802	2385	2871	3409	3853	4286
Nombre de certificats expirés ou abandonnés	0	5	26	26	53	80	122	194	279	405	481	629	782	921
Nombre de certificats en cours	6	27	274	392	513	607	788	842	963	1291	1559	1788	1929	2133

IV. FEDERAL REPUBLIC OF GERMANY

1. The Federal Republic of Germany deposited its instrument of ratification of the 1978 Act of the International Convention for the Protection of New Varieties of Plants with the Secretary General of UPOV on March 12, 1986. This Act of the Convention thus entered into force on April 12, 1986, in respect of the Federal Republic of Germany.

2. For the first time since 1975, the fees for application and examination were increased in 1986. Compared with 1975, the increase represents approximately 10%. There is thus no change in the situation in which over 50% of the costs incurred in the grant of plant variety protection are not covered by the examination fees.

3. Plant variety protection continues to enjoy the favor of both domestic and foreign breeders as can be seen from the continued increase in the number of newly applied-for varieties.

Years	Number of varieties	including ornamentals	
1970	333	24	(7%)
1980	611	176	(29%)
1986	943	398	(41%)

A marked increase in applications for ornamental varieties, particularly roses, pot plants and cut flowers, is particularly noteworthy.

4. Plant variety protection was extended to the following species:

Chinese cabbage
Iris
Leptospermum
Prunus (ornamental forms)
Spathiphyllum

Additionally, the possibility of protection was extended to all genera of orchids, carnation and pelargonium.

5. For those species that are normally propagated by vegetative means, particularly ornamental species, the increased use of in-vitro techniques is leading to more and more problems with the homogeneity of the material that the applicants submit for the official examination. In the case of those species that are normally sexually propagated, it is becoming increasingly important, particularly for various types of hybrid and synthetic varieties, to include the breeding components in the official examination since it is otherwise impossible to assess homogeneity and stability of the varieties with sufficient accuracy.

6. The Plant Variety Office of the Federal Republic of Germany has pursued its negotiations with other UPOV member States as regards extension of technical cooperation. Following the conclusion of a new bilateral agreement with France, a similar agreement has now also been concluded with the Netherlands. These agreements are based on the UPOV Model Administrative Agreement on International Cooperation in the Examination of Varieties of 1984. The agreement with the Netherlands concerns 33 species to be examined in the Federal Republic of Germany and 16 species in the Netherlands. The test results of a further 27 species are to be mutually adopted. Similar extended agreements are to be concluded in the near future with Denmark and the United Kingdom.

V. HUNGARY

During 1986, further progress was achieved in the Hungarian People's Republic in the harmonization of the variety descriptions and the DUS tests used both for the variety patent and the State variety qualification.

Accession to the UPOV Convention and an information effort resulted in an increase in the number of both domestic and foreign applications for variety patents submitted to the National Office of Inventions.

By mid-1986, the National Office of Inventions had received 36 applications for testing and obtaining variety patents in Hungary and 44 applications in respect of varieties already protected abroad requiring extension of protection to Hungary, making a total of 80 applications for variety protection, or 20 per cent more than the preceding year. The number of applications of foreign origin has doubled in one year.

At the Agrobotanica Centre of the Institute for Plant Production and Qualification, the DHS tests of 36 varieties, representing 10 plant species, are in progress, most of them already in their second year. The DHS tests are being carried out in 1986 on varieties according to the following distribution: 15 varieties of *Helianthus annuus* L., seven of *Zea mays* L., seven of *Triticum aestivum* L., one of *Triticum durum* Desf., two of *Lupinus angustifolius* L., one of *Lupinus albus* L., one of *Allium cepa* L., one of *Sorghum vulgare* Pers. var. *sacharatum* and also one variety of *Digitalis*.

Of the 36 plant varieties tested for DHS, 22 are based on Hungarian and 14 on foreign commissions. The number of tested plant species and varieties in 1986 was almost the same as in 1985.

In order to harmonize the variety descriptions, the tests for distinctness, homogeneity and stability for the variety patent and the state variety qualification, 13 working groups (7 for field crops and 6 for vegetable crops) have discussed the UPOV methods according to the Guidelines.

In October 1985, the heads of the Institute for Plant Production and Qualification and of the National Office of Inventions held comprehensive talks with the representatives of the Dutch Breeders' Association on the work done since the accession of the Hungarian People's Republic to the UPOV Convention, and on the problems that have arisen, their possible solution, in relation to which the Dutch experts informed us about the methods and procedures applied in the Netherlands. From the Hungarian side, information was

given about the results of small-plot variety trials, seed multiplication and large-scale production of the Dutch varieties in our country. It was agreed to extend cooperation in the future.

In 1986, we participated in the fifteenth session of the Technical Working Party for Agricultural Crops, undertaking to participate in the preparation of the draft Test Guidelines for Sorghum in 1986. We shall further join in the UPOV collaborative study on electrophoresis in wheat.

We fulfilled our statistical obligations, including the Annual List of Varieties Under Test in 1986.

VI. IRELAND

The number of protected taxa has been increased from 13 to 24 over the past year. Protection is extended to Brown Top, Fodder Beet, Swede, Fodder Rape, Red Fescue, Flax/Linseed, White Lupin, Blue Lupin, Yellow Lupin, Red Clover and Triticale.

Seventeen applications were received in this period. Titles of protection were granted for thirteen varieties, broken down as follows: Barley 4, Oats 1, Field Peas 1, Perennial Ryegrass 4, Potatoes 7, Swede Rape 2.

Since the introduction of Plant Breeders' Rights, 288 valid applications have been filed and, so far, 158 applications have led to the granting of a title of protection.

VII. ITALY

Current and future legislative situation in the field of patent protection for new plant varieties.

1. Since the last meeting of the UPOV Council on October 17 and 18, 1985, Italy has amended its Plant Variety Protection Law and the regulations under that Law following ratification of the Revised Act of the UPOV Convention signed in Geneva on October 23, 1978. The above-mentioned amendments are contained in Law No. 620 of October 14, 1985 (of which a translation has already been published in "Plant Variety Protection" issued by UPOV) and the Decree of February 26, 1986, of the Minister for Industry, of which the text was sent to Dr. Mast on June 13, 1986.

2. A further decree is currently being prepared on the extension of protection to the following genera and species:

EUSTOMA GRANDIFLORA (Ret.) Shinn.	Texas Rose
EUPHORBIA MILII	Christ's thorn
HYDRANGEA L.	Hydrangea
FORSYTHIA Vahl.	Forsythia
ORCHIS L.	Orchid
IMPATIENS (Hybridi)	Busy lizzie
FEIJOIA SELLOWANA	Feijoa
PASSIFLORA EDULIS	Granadilla
PERSEA DRYMIFOLIA	Avocado
CARICA PENTAGONA	Pawpaw
CYPHOMANDRA BETACEA	Tree tomato
ANONA CHERIMOLIA	Annona
SINNINGIA SPECIOSA	Gloxinia
ACACIA Mill.	Acacia
ZANTEDESCHIA Spreng.	Calla
IXIA	Ixia
ANEMONE	Anemone
MATTHIOLA INCANA (L.) R.Br.	Common stock
ANTHIRRINUM MAJUS L.	Common snapdragon
ACTINIDIA Lindl.	Actinidia
ULMUS CAMPESTRIS L.	Elm
CUPRESSUS L.	Cypress
GENISTA MONOSPERMA	Broom

Patents Granted between October 3, 1985, and July 31, 1986

Carnation	94	DIANTHUS L.
Rose	13	ROSA L.
Durum Wheat	12	TRITICUM DURUM
Rice	9	ORYZA SATIVA L.
Bread Wheat	6	TRITICUM AESTIVUM L.
French bean	6	PHASEOLUS VULGARIS L.
Pea	5	PISUM SATIVUM L.
Barley	5	HORDEUM VULGARE L.
Tomato	3	LYCOPERSICON LYCOPERSICUM L.
Cauliflower	2	BRASSICA OLERACEA L.
Bean	2	VICIA FABA L.
Vine	2	VITIS L.
Endive	2	CICHORIUM ENDIVIA L.
Onion	1	ALLIUM CEPA L.
Carrot	1	DAUCUS CAROTA L.
Oats	1	AVENA SATIVA L.
Potato	1	SOLANUM TUBEROSUM L.
Clover	1	TRIFOLIUM INCARNATUM L.

VIII. JAPAN

1. The Center for Seeds and Seedlings will be set up in December, 1986, in the Ministry of Agriculture, Forestry and Fisheries. It will be composed of a headquarters at Tsukuba Science City, near Tokyo, and 15 State-owned regional farms and inspection branches. The main functions of the Center will be the following:

(i) to carry out field examination for the purposes of plant variety protection;

(ii) to carry out inspections and various tests on seeds and seedlings;

(iii) to produce and supply certain kinds of superior seeds and seedlings;

(iv) to undertake research with a view to introducing new techniques in the administration of seeds and seedlings;

(v) to multiply the samples of genetic resources at the request of the gene bank (which is a separate body from the Center).

2. During the period from September 1, 1985, to August 31, 1986, 404 applications for plant variety protection were filed and 259 titles granted, bringing the total to 1194 titles (including 130 titles for foreign varieties).

IX. NETHERLANDS

Introduction

- Celebrating the 25th anniversary of the signing of the UPOV Convention provides me a welcome opportunity to outline some aspects of Dutch policy for the near future.
- Before so doing, the Delegation of the Netherlands would like to congratulate UPOV, through its Secretary-General and his staff, for the work and efforts it has achieved so far.
- In this connection, I would also like to pay our greatest respect to the late Dr. Heribert Mast, who put a lot of his energy into the organisation in trying to reach its goals.
- Of course, I take this opportunity to express our confidence in his successor.
- Last but not least, the Delegation of the Netherlands would also like to convey its appreciation to the French Government for hosting this memorable session in the same well organized and pleasant way as it did in December 1961, 25 years ago.

Future Action and Decisions Needed.

- Promoting the protection of the interests of plant breeders in particular and of agriculture and the community in general--our real objectives!--we are standing at an important crossroads, where relevant decisions have to be taken.
- Evaluating the scope of our work and interests at this moment, one could make three main observations:
 1. The tendency towards "absorption" of small and middle sized seed firms by huge industrial companies. Until now it seems that rights created by industrial patents with respect to plant production give far reaching monopolies; consequently the smaller breeding firms become more dependent, which could promote the "absorption-effect" of these larger industrial companies. A high degree of dependence could result in menacing our agricultural food supply.
 2. The development in advanced breeding techniques is moving very rapidly. Therefore a clear analysis of problems, which could be the result of this development, is required as soon as possible. Solutions could lead to adjustments of industrial patent legislation or plant breeders rights-legislation. To get a clear picture of these complex aspects, a discussion with all the sectors involved in the Dutch seed-business has been started in the Netherlands on the basis of the National Council for Agricultural Research (NRLO) report 14d: "plant breeders' rights and patent rights in relation to plant genetic engineering." Our main observation so far could be compromised as follows:
 - (i) reproductive material of protected varieties should be at least freely available at a reasonable price in order not to hamper independent breeding of new varieties;
 - (ii) from a legal point of view, two or more forms of protection with respect to one and the same object are complicating matters for both user and legislator.
 3. As to the third observation, the Delegation of the Netherlands would like to mention that in applied and fundamental breeding research in the Netherlands, genetic engineering is increasingly becoming a central issue. In a further development two aspects seem essential:
 - (i) the power of regeneration after the transformation of cells, groups of cells or protoplasts.
 - (ii) the resynthesis of genes, to link groups of genes or linkage groups ("linkats") together as specific characteristics for output, quality and/or stress-tolerances are not carried over by one single gene but by a group of genes.

It is important to realize that genetic engineering is becoming a main tool in our breeding research as well as on cell organelle or DNA level.

Cooperation

After elaborate negotiations on modernizing the international cooperation in examination of plant varieties, the Netherlands now have concluded a new agreement on this matter with the Federal Republic of Germany and are in the process of concluding them with other partners. The new cooperation promotes the exchange and acceptance of official examination results among the national authorities. This attitude is a step forward to a system according to which nationally granted rights are valid in other member States. Therefore the Netherlands believe that proposals to that effect should be developed and studied within UPOV.

Taxa

The extension of the Dutch list of protected taxa by 26 species is expected to come into force in the beginning of 1987. The proposed extension has been published in the national gazette, the "Publikatieblad van de Raad voor het Kwekersrecht," d.d. 16-5-1986, No. 228.

In the meantime, the procedure for a further extension has been initiated. The entering into force of the second extension is not expected before the end of 1987.

Statistical Data

In 1985, 960 applications for plant breeders' rights were filed: 160 for agricultural varieties, 650 for ornamental varieties, 130 for vegetable varieties and 20 for varieties of other species. In 1985, 550 titles were issued.

Conclusion

The Delegation of the Netherlands believes that UPOV should lead the way and give guidelines for international protection of new plant varieties.

A basis for overcoming the main difficulties has been created through our common efforts during the last 25 years. In the near future definite solutions have to be found, for that is why UPOV has been established.

Therefore, the Netherlands notes it is also important that more countries should join UPOV in order to come to a uniform approach and find clear solutions throughout the relevant world of plant breeding.

X. NEW ZEALAND

Work on revision of the plant varieties legislation continues only slowly. A Bill to substantially amend the Plant Varieties Act 1975 is before the New Zealand parliament. A parliamentary select committee, which studied the Bill and considered various submissions, reported the Bill back to the House of Representatives in June 1986 recommending a number of changes. At the time of preparing this report no further action had occurred.

Because of the rather unusual environmental conditions in New Zealand as compared with most other UPOV States--especially the combination of high light intensity and comparatively low temperature, and the effect of this on the expression of plant characters--decisions generally continue to be based upon evaluation in New Zealand. However, there has been a departure from this policy in the case of some ornamentals such as carnation and alstroemeria. With these kinds of plants the effects of climatic differences are less significant as the varieties concerned tend to be grown in rather standardized glasshouse conditions. Decisions in respect of such ornamentals have over the last year been based upon test reports purchased overseas, in particular from the Netherlands.

The numbers of applications for variety protection have increased for the second successive year. The volume of work of the Plant Varieties Office during the period October 1, 1985, to August 25, 1986, is summarized in the table below.

	Applications received	Titles granted	Titles in force
Agricultural crops	11	10	58
Pasture plants	3	2	12
Ornamentals	48	35	162
Fruit and Nut Crops	10	4	24
TOTAL	72	51	256

XI. SOUTH AFRICA

The only change which has occurred in the legislative field since the last session of the Council is a fee increase, applicable as from August 1, 1986.

The list of protected taxa has not been enlarged but it is envisaged that it will be extended in due course to another 12 taxa.

One agreement on cooperation in examination has been concluded with a member country and another two are in the negotiation stage. This will enable South Africa to extend its list of taxa eligible for protection even further.

Since the last session of the Council, 80 applications for protection have been received (including 40 from other member States) and 50 titles have been granted (including 35 to breeders from other member States).

XII. SWEDEN

The legislation concerning plant breeders' rights and the administrative fees applicable in this connection have remained unchanged since last year.

The list of species eligible for protection now covers in total 98 species out of which 47 are agricultural crop species, 23 vegetable crop species, 14 fruit and berry species, 13 ornamental species and one forest tree.

From the introduction of the plant breeders' rights scheme in Sweden on July 1, 1971 and up to July 1, 1986, 815 applications for protection have been filed, 76 during the last fiscal year. Plant breeders' rights have been granted for 400 varieties and 231 applications have been withdrawn.

On July 1, 1986, the number of valid grants amounted to 198 split into 120 agricultural, 15 vegetable, 6 fruit and berry and 57 ornamental varieties.

Finally, the question of a minor increase in administrative fees, which have remained unchanged for the last five years, will be submitted for consideration by the Government in order to restore full cost coverage.

XIII. SWITZERLAND

1. In July 1986, one of the best-known Swiss breeders, Alfred Roggli, from Hilterfingen, died at the age of 70 following a brief illness. Rogglis kohlrabi and pansy varieties are known beyond the boundaries of Switzerland and are frequently considered a pioneering act of conventional breeding.

2. The amendment of the Plant Variety Protection Ordinance is now taking on shape insofar as we have prepared a draft for the Federal Council, which has been adopted in the internal administrative report, that is to say has successfully taken the internal bureaucratic hurdle. In addition to the formal adaptation of a rather theoretical bias clause to the reality of enforcement, the draft contains the extension to the list of species that has been in preparation for some time already. We include the draft extension with this report. We have already contacted, or will do so in the foreseeable future, the offices within UPOV that offer examination for varieties of the species we envisage.

When optimistically offering to examine fennel varieties, on joining UPOV, we had assumed that we would receive varieties for examination that were suited to the more severe climate North of the Alps. However, our experience with the two varieties from France, that are all we have received so far, has shown that we had to carry out the examination South of the Alps, therefore causing the examiner an excessive amount of work. We shall contact those contracting States, for which we would examine fennel, in the near future in order to find an acceptable way out of this situation that is impossible for us.

3. Detailed statistics as at August 25, 1986, accompany this report.

STATISTICS OF SWISS PLANT VARIETY PROTECTION
(since entry into force of the Plant Variety Protection Law)

Years (as at December 31)	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986 bis 31.8	1987
Number of protectable taxa	5	5	5	23	23	23	44	44	44	44	
Number of applications each year	6	22	7	62	17	35	47	64	54	45	
Number of applications withdrawn or refused each year	-	-	-	1	-	6	4	4	10	3	
Number of varieties protected each year	-	1	16	3	21	40	10	44	45	8	
Protection withdrawn or terminated, number each year		-	-	-	-	-	-	-	14	15	4
=====											
Number of applications filed since 1977	6	28	35	97	114	149	196	260	314	359	
Number of applications withdrawn or refused since 1977	-	-	-	1	1	7	11	15	25	28	
Number of varieties protected since 1977	-	1	17	20	41	81	91	135	180	188	
Protection withdrawn or terminated, number since 1977	-	-	-	-	-	-	-	14	29	33	

LIST OF THE SPECIES WHOSE PROTECTION IS BEING CONSIDERED IN SWITZERLAND
LISTE DES ESPECES DONT LA PROTECTION EST ENVISAGEE EN SUISSE
LISTE DER ARTEN, DEREN SCHUTZFAEHIGKEIT IN DER SCHWEIZ EROERTERT WIRDAGRICULTURAL CROPS / PLANTES AGRICOLES / LANDWIRTSCHAFTLICHE ARTEN

<u>Latine</u>	<u>English</u>	<u>français</u>	<u>Deutsch</u>
Glycine max (L.) Merrill	Soya Bean, Soybean	Soja	Sojabohne
Medicago sativa L.	Alfalfa Lucerne	Luzerne	Blaue Luzerne
Phleum L.	Timothy	Fléole	Lieschgras
Poa L.	Meadow-grass	Pâturin	Rispengras
Vicia faba L. var. minor Harz	Field Bean, Tick Bean	Féverole	Ackerbohne

VEGETABLES / PLANTES POTAGERES / GEMUESEARTEN

<u>Latine</u>	<u>English</u>	<u>français</u>	<u>Deutsch</u>
Allium porrum L.	Leek	Poireau	Porree
Apium graveolens L. var. rapaceum Gaud.	Celeriac	Céleri-rave	Knollensellerie
Asparagus officinalis L.	Asparagus	Asperge	Spargel
Beta vulgaris L. ssp. vulgaris var. flavescens DC. f. crispata	Mangel, Swiss Chard	Bette à côtes	Stielmangold
Brassica oleracea L. convar. capitata L. var. capitata L. f. alba DC.	White Cabbage	Chou cabus	Weisskohl
Brassica oleracea L. convar. capitata L. var. sabauda L.	Savoy Cabbage	Chou de Milan	Wirsing
Cichorium intybus L. var. foliosum Hegi	(Salad) Chicory	Chicorée amère	Salatzichorie
Cucumis sativus L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
Rheum L.	Rhubarb	Rhubarbe	Rhabarber
Vicia faba L. var. major Harz	Broad Bean, Horse Bean	Fève	Dicke Bohne (Puffbohne)
Lycopersicon lycopersicum L.	Tomato	Tomate	Tomate

FRUIT CROPS (excluding ornamental varieties; including rootstocks)PLANTES FRUITIERES (variétés ornementales exclues; porte-greffes inclus)OBSTARTEN (ausser Ziersorten; einschliesslich Unterlagen)

<u>Latine</u>	<u>English</u>	<u>français</u>	<u>Deutsch</u>
Actinidia chinensis Planck (only varieties which are already protected in another UPOV-member State nur Sorten, die in einem andern UPOV-Staat schon geschützt sind variétés seulement, qui sont déjà protégées dans un autre Etat membre de l'UPOV)	Kiwifruit	Groseille de Chine	Kiwifrucht
Cydonia Mill.	Quince	Cognassier	Quitte
Prunus armeniaca L.	Apricot	Abricotier	Aprikose
Prunus persica (L.) Batsch	Peach	Pêcher	Pfirsich
Pyrus L.	Pear	Poirier	Birne

ORNAMENTAL PLANTS / PLANTES ORNEMENTALES / ZIERPFLANZEN

<u>Latine</u>	<u>English</u>	<u>français</u>	<u>Deutsch</u>
Anthurium Schott	Anthurium, Tail Flower	Anthurium	Flamingoblume
Calluna C. vulgaris (L.) Hull	Heather, Ling	Callune	Besenheide
Cotoneaster (B. Ehrh). Medik.	Cotoneaster	Cotoneaster	Cotoneaster
Chamaecyparis Spach	Chamaecyparis	Chamaecyparis	Scheinzypresse
Delphinium L. partim	Perennial Delphinium	Pied d'alouette vivace	Ausdauernder Rittersporn
Erica gracilis Salisb.	Heath	Bruyère	Glockenheide
Euphorbia milii Hybridi	Christ's Thorn	Epine du Christ	Christusdorn
Exacum	Exacum	Exacum	Blaues Lieschen
Impatiens-Neu-Guinea-Hybriden	New Guinea Impatiens	Impatiente de Nouvelle-Guinée	Neu-Guinea-Impatiens
Lilium L.	Lily	Lis	Lilie
Primula L.*)	Auricula, Oxlip, Cowslip, Primrose	Primevère	Primel, Schlüsselblume
Thuja L.	Thuja	Thuya	Lebensbaum
Viola L.*)	Pansy	Pensée	Stiefmütterchen

*) nur Sorten aus verklonten Mutterpflanzen / variétés de plantes mères clonées seulement /
only varieties derived from cloned mother plants

XIV. UNITED KINGDOM

The plant variety protection system has not undergone any major change in the course of the past year. It is still under a heavy strain and testing potential is being used to the full within a climate of rising costs and budgetary constrictions.

We have continued discussions on closer cooperation with our colleagues in the Federal Republic of Germany, the Netherlands, France and Denmark and it is hoped that the revision of the bilateral agreements with these countries can be concluded next year.

During the year ending on June 30, 1986, 411 applications for protection were received compared with 482 in the previous year and 450 in the year before that. The number of grants issued in the year to June 30, 1986 was 269: this compared with 257 in the year to June 30, 1985, and 269 in the year before.

[Annex II follows]

ANNEX II

REPORTS ON THE DEVELOPMENT OF PLANT VARIETY PROTECTION

IN OBSERVER STATES

<u>Reports from:</u>	<u>Page</u>
Norway (original English)	2
Poland (original English)	2

I. NORWAY

As reported last year, since July 1, 1985, Norway has had regulations which lay down the charging of a fee on marketed seed in the case of the main agricultural crops.

The fee is collected by the National Seed Council once a year and distributed to the owners of the varieties.

As far as plant variety protection is concerned, there have not been any new events since the last session of the Council.

II. POLANDState of Work on the Act Concerning the Protection of the Rights for Plant Varieties

During 1986 the draft of the Act on the Plant Breeding and Seed Production was being adjudicated by the Juristical Committee at the Council of Ministers Office.

The draft of the new version of this Act and the implementing orders have been prepared by the Ministry of Agriculture, Forestry and Food in compliance with comments presented by the Juristical Committee.

It is expected that the draft of the Act will be considered by the Council of Ministers at the end of this year or at the beginning of 1987. Hereafter, at the Government's proposal, it will be introduced before the Parliament for approval. The principles of the protection of rights for plant varieties, determined by UPOV Convention, have been taken into account in the said Act. When it receives the Parliament's approval it will provide the legal grounds for Poland's access to the UPOV Convention.

[Annex III follows]

REPORTS ON THE DEVELOPMENT OF PLANT VARIETY PROTECTION
FROM INTERGOVERNMENTAL ORGANIZATIONS

<u>Reports from:</u>	<u>Page</u>
FAO (Food and Agriculture Organization of the United Nations)	2
OECD (Organisation for Economic Co-operation and Development)	5

I. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

FAO's Efforts to Improve the World's Seed Situation, 1945-86

Since its inception in 1945, FAO focussed attention on the importance of better seeds for farming. Today it is a well-established fact that the key to a rapid increase in crop production and productivity is the exploitation of improved varieties through the production and use of quality seed.

1. FAO's Hybrid Maize Project

In the early 1950's FAO launched the "Hybrid Maize Project" which introduced the first United States hybrids for evaluation and production into Europe and the Mediterranean countries. At the same time, FAO implemented a "Maize Seed Certification Scheme" for Europe and the Mediterranean Region. This project assisted to increase average maize yields in Europe in less than ten years by 80 percent.

2. FAO's World Seed Campaign

In 1957 FAO started the World Seed Campaign in which 79 countries and territories participated. The Campaign which culminated in the "World Seed Year" of 1961 made farming communities and the general public more aware of the valuable contribution which better seed can make to agricultural development. The establishment of the International Agricultural Research Centres (IARCs) can be counted as consequences of the Campaign.

3. FAO's Seed Improvement and Development Program

In response to repeated requests from Member Nations, FAO implemented the Seed Improvement and Development Programme (SIDP) in 1973. To date 132 countries and several international organizations are cooperating.

The major objective of SIDP is to assist developing countries in the establishment and operation of efficient seed programs and to mobilize multi-lateral and bilateral resources for this purpose. From the inception of SIDP, in 1973, until December 1985, 447 seed projects with a total allocation of almost 170 million US dollars have been put into operation in over 80 countries. More than 3,000 persons were trained in various seed technology activities. Assistance was further given through the provision of over 700,000 seed samples for experimental purposes to 140 countries. Several textbooks, technical guidelines, information material and video films in the field of seed production and utilization have been issued in Arabic, Chinese, English, French and Spanish. The computerized Seed Information System (SIS) was established with Sub-systems on national seed activities of 114 countries, on crop varieties of 15 species in 80 countries, on seed exchange with 6,700 addresses of seed-related institutions in 162 countries, on seed equipment of 82 major seed equipment producers of the world and on Plant Genetic Resources which is presently being developed.

4. Recent Developments Related to FAO's Seed Improvement Work

With regard to recent developments related to FAO's seed improvement work, the following deserves attention:

Plant Genetic Resources

The International Undertaking on Plant Genetic Resources was implemented in 1983 to ensure that Plant Genetic Resources will be freely available for plant breeding and scientific purposes. To monitor the operation of the arrangements referred in Article 7 of the "Undertaking" and to review matters related to policy, programs and activities of FAO in the field of Plant Genetic Resources, the Commission on Plant Genetic Resources has been established which had its first session in March 1985. In order to keep abreast with developments, a Working Group on Plant Genetic Resources was established which first met during June 1986 to consider pertinent legal and technical matters.

Variety Evaluation

FAO has developed variety description forms and passports to compile and store nationally information on varieties, so that each country can build up an inventory of the most useful varieties available within its territory. This work is expected to become the base for an International Variety Data Bank by combining the national inventories, and to assist plant breeders by providing information about varieties available on a world-wide basis. Exchange of information will be in the first instance via passport which would enable the enquirer to pick up those varieties of greatest interest and then to request the full information on the description form. The first forms and passports have been developed for maize, rice and wheat. Work has been started to store descriptions of the most widely used varieties in the Seed Information System data bank of the FAO computer for selected North African, East African and Asian countries. The development of forms and passports for sorghum, millet and selected grain legumes has been taken up.

Plant Breeding and Seed Production

During the past decade plant tissue culture propagation methods have been developed for selected crop species which allow a rapid multiplication and, in many cases, a disease-free recovery of plants. In order to assist in the transfer of tissue culture technology and its commercial utilization to developing countries, FAO has developed technical guidelines, video programs and training activities for tissue culture techniques of potato and is presently working on sweet potato, cassava and citrus.

With the purpose of reviewing technical and economic aspects as well as progress of breeding of hybrids and seed production of selected cereal, root, oil and vegetable crops, the FAO/DANIDA Regional Seminar on Hybrid Seed Production will be held in Surabaya, Indonesia, during November 1986. The Seminar will further review release and seed certification of hybrid cereal varieties in Europe and legal variety protection of hybrid varieties in the United States of America.

Seed Quality Control

In order to promote the use of good quality seed and to facilitate the interstate movement of seeds, a new system for the production and use of good quality seed has been developed. The preparation of this new system has become necessary since comprehensive government-controlled seed certification within a regulatory system has shown to be difficult to implement in view of limited technical and financial resources of many developing countries. The "Technical Guidelines for Standards and Procedures for the Production of Quality Declared Seed" will be completed by an FAO expert group during September 1986.

Seed Industry Development

Until now, only few developing countries have been implementing realistic national seed programs despite increased efforts by governments and donors. For this reason, FAO organized a series of technical meetings in Asia and Africa on "Design and Implementation of Seed Programs," in order to promote technical cooperation on a sub-regional basis and to define, within the context of national development plans, seed policies for the preparation and implementation of national and regional seed programs. The next meetings of this nature will be held during December 1986 in Dakar, Senegal, for Sahel countries and during the first quarter of 1987 in Tunis, Tunisia, for Near East countries.

5. Outlook

In order to guarantee food security and as a basis for agricultural development each country should dispose of viable seed programs and respective institutions, enterprises and facilities. For this reason, there is need to accelerate the development of variety introduction, plant breeding, seed production and utilization. To achieve this task, FAO is increasingly promoting joint action on variety development and seed production by both the public and private sectors with the hope that towards 2000 each country will have available viable seed enterprises and secured seed supplies.

II. ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

The OECD Seed Schemes now cover almost all temperate agricultural crops and some tropical ones as well. Potatoes, which of course are not normally reproduced by true seed, are not covered by the OECD schemes but by ECE (Geneva). The most used scheme remains the original scheme which now covers Herbage and Oil Seeds but the scheme for Maize is also important.

The schemes are all concerned with varietal certification and we leave species purity to ISTA, with whom we have always maintained close cooperation.

This division of responsibility roughly corresponds to work that can be done in the laboratory, which is ISTA's, and that which must be done by field inspection or in control plots, which is ours. This distinction is showing signs of breaking down with the development of electrophoresis but remains real enough for practical purposes.

Our major new activity is the development of a method to certify hybrid cereals. As mentioned above, the Maize Scheme has been operating satisfactorily for some years and of course is mainly concerned with hybrid cultivars, but for hybrid cereals, we have to be satisfied that self-pollinisation was indeed prevented, that cross-pollinisation did take place and that there was a satisfactory set of hybrid seed. All these are significantly easier to control in the field with maize than with cereals such as wheat and barley. This has brought us back again to look at electrophoresis. In spite of the difficulties, we hope to have a procedure operating next year.

Another aspect of the work that we have been discussing is post-control, in particular how to get the most out of this quite costly procedure.

Our relationship with UPOV has always been easy, no doubt due to the number of people who were involved in the development of both activities and I am confident that we can continue in this way.

[End of Annex III and of document]