



Disclaimer: unless otherwise agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV and that have not been superseded can represent UPOV policies or guidance.

This document has been scanned from a paper copy and may have some discrepancies from the original document.

Avertissement: sauf si le Conseil de l'UPOV en décide autrement, seuls les documents adoptés par le Conseil de l'UPOV n'ayant pas été remplacés peuvent représenter les principes ou les orientations de l'UPOV.

Ce document a été numérisé à partir d'une copie papier et peut contenir des différences avec le document original.

Allgemeiner Haftungsausschluß: Sofern nicht anders vom Rat der UPOV vereinbart, geben nur Dokumente, die vom Rat der UPOV angenommen und nicht ersetzt wurden, Grundsätze oder eine Anleitung der UPOV wieder.

Dieses Dokument wurde von einer Papierkopie gescannt und könnte Abweichungen vom Originaldokument aufweisen.

Descargo de responsabilidad: salvo que el Consejo de la UPOV decida de otro modo, solo se considerarán documentos de políticas u orientaciones de la UPOV los que hayan sido aprobados por el Consejo de la UPOV y no hayan sido reemplazados.

Este documento ha sido escaneado a partir de una copia en papel y puede que existan divergencias en relación con el documento original.

UPOV

C/XXII/14

ORIGINAL: French

DATE: March 8, 1989

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL**Twenty-second Ordinary Session
Geneva, October 18 and 19, 1988**

DETAILED REPORT

adopted by the CouncilOpening of the Session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its twenty-second ordinary session in Geneva on October 18 and 19, 1988.
2. The session was presided over by Mr. W.F.S. Duffhues (Netherlands).
3. The list of participants is given at Annex I.
4. The indented paragraphs are taken over from the report on the decisions of the Council which the latter adopted at its meeting of October 19, 1988 (document C/XXII/13).

Adoption of the Agenda

5. The Council adopted the agenda as appearing in document C/XXII/1.

Election of the President and the Vice-President of the Council

6. Following the resignation of Mr. S.D. Schlosser (United States of America), effective January 1, 1988, the Council unanimously elected Mr. W.F.S. Duffhues (Netherlands) as President of the Council for a term of office of three years, expiring at the end of the twenty-fifth ordinary session of the Council, in 1991.

7. The office of Vice-President of the Council having become vacant as a result of the election of Mr. Duffhues as President, the Council unanimously elected Mr. R. Lopez de Haro y Wood (Spain) as Vice-President of the Council for the same term.

Examination of the Conformity of the Laws of the Commonwealth of Australia with the UPOV Convention

8. Discussions were based on document C/XXII/11.
9. Pursuant to Article 32(3) of the 1978 Act of the Convention and on the basis of the conclusion drawn by the Office of the Union in paragraph 41 of document C/XXII/11, the Council unanimously decided to give a positive advice in respect of the conformity of the laws of the Commonwealth of Australia with the 1978 Act of the Convention.
10. The Council asked the Secretary-General to inform the Government of Australia of the decision recorded in the preceding paragraph.
11. The Council expressed its particular appreciation to Mrs. K.H. Adams, delegate of Australia, for her contribution to making possible Australia's accession to the UPOV Convention.

Examination of the Conformity of the Laws of the Polish People's Republic with the UPOV Convention

12. Discussions were based on document C/XXII/12.
13. Pursuant to Article 32(3) of the 1978 Act of the Convention and on the basis of the conclusion drawn by the Office of the Union in paragraph 45 of document C/XXII/12, the Council unanimously decided to give a positive advice in respect of the conformity of the laws of the Polish People's Republic with the 1978 Act of the Convention.
14. The Council asked the Secretary-General to inform the Government of Poland of the decision recorded in the preceding paragraph.
15. On behalf of the members of the delegation of the Council and of the Secretariat General of UPOV which visited the Polish authorities from June 6 to 11, 1988, Mr. J. Ardley (United Kingdom) thanked those authorities for their hospitality and for the fruitful discussions that took place. The Council also expressed its gratitude to those authorities.
16. Furthermore, the Council expressed its appreciation to Mr. K. Dmochowski and Mr. J. Virion, delegates of Poland, for their contribution to making possible Poland's accession to the UPOV Convention.

Situation in the Legislative, Administrative and Technical Fields

a. Statements by Representatives of States (Member States and Observer States) and Intergovernmental Organizations

17. The Council noted the declarations made under this agenda item.

The main information given under this agenda item is recorded below.

1. Statements by the Representatives of Member States

18. South Africa.-- There had been no changes during the past year from the legislative or administrative points of view.

19. From a technical point of view, the software for examination of distinctness by means of combined over-years analysis (COY analysis) had been converted and tested on existing data with excellent results. The program was also to be used for examining pineapple and banana. Additionally, in view of the interest currently shown in the use of biochemical tests for identifying varieties, work had been put in hand on electrophoresis and it was hoped that the technique would one day be used within UPOV.

20. Between October 1987 and September 1988, 105 applications for protection had been filed and 69 titles of protection issued, including 45 for local varieties.

21. Federal Republic of Germany.-- The list of protected taxa had been extended to practically the whole of that part of the plant kingdom that was of economic interest in the Federal Republic of Germany. The list was now established at family level and no longer at genus or species level.

22. Cooperation in examination had been continued most satisfactorily with those States with which bilateral agreements had been concluded. Examination reports from other States, particularly from Japan, had also been used in some cases.

23. During the past year, 950 applications for protection had been filed. At present, 3,200 titles of protection were in force.

24. During the past year, the German Patent Office and the European Patent Office had issued a number of process patents, for example concerning brewing barley and lucerne, affording protection with effect extending to plant material not expressly defined as a variety. Since the Patent Law does not specify the effects of protection in detail, there was a possible risk of collision or overlapping with the protection afforded under the plant variety protection system to varieties possessing the same properties as the patented plant material. Such situations could increase in future as a result of the growing interest shown in patent protection for biotechnological processes. The Federal Republic of Germany held that the solution to such collisions or overlapping should not be left to the courts alone; on the contrary, it was necessary to insert an appropriate collision clause in the Convention. That was also necessary, in the view of the Federal Republic of Germany, if one were to delete from the Convention the prohibition on double protection, although that country was not in favor of such deletion.

25. On the other hand, the Federal Republic of Germany was in favor of adjusting patent law and plant variety protection law in such a way that the interested circles could obtain protection for all subject matters that warranted protection and that no field would remain that was not covered by law. That was why the Federal Republic of Germany supported wholeheartedly the principle of joint discussions between UPOV and WIPO as regards the interface between the two legal systems and wished that they be put in hand as soon as possible.

26. The Federal Republic of Germany further welcomed the initiative taken by UPOV as regards improvement of the Convention. The items likely to be amended had been examined together with the professional organizations in Germany; those organizations felt it necessary that the work within UPOV should be brought to an early conclusion.

27. The third UPOV Workshop on Variety Examination was to be held in Hanover on June 1 and 2, 1989. The Workshop would deal with pot plants, particularly pelargonium and elatior begonia. In view of the success enjoyed by the Wageningen Workshop on Lettuce and the Cambridge Workshop on new techniques, the Federal Plant Varieties Office was expecting an equally large and active participation by the UPOV member States and by the professional organizations.

28. Finally, the next Congress of EUCARPIA was to be held from February 27 to March 3, 1989, at Göttingen. One section would deal exclusively with matters of intellectual property in relation to plant varieties and plant material. A number of UPOV representatives had already stated their willingness to present papers and the Delegation of the Federal Republic of Germany wished to express its thanks.

29. The Secretary-General said that he would make provision, in the draft program and budget for the 1990-1991 biennium, for funds for holding a Diplomatic Conference on the revision of the Convention. The Council noted this statement with approval.

30. As to the venue of the Conference, the Secretary-General invited the authorities of the States interested in hosting it to enter into contacts with the Office of the Union. The Delegation of the Federal Republic of Germany felt that it should take place in Geneva in view of the facilities available at the headquarters of the Union.

31. Belgium.- No changes had occurred in the legislative or administrative fields during the past year. However, extension of protection to new species was in preparation and maximum possible use would be made of cooperation in examination.

32. From the entry into force of the protection system up to August 30, 1988, 859 applications for protection had been filed and 547 titles issued, of which 332 were still in force.

33. Denmark.- At the close of 1987, Parliament adopted a new Law on the protection of plant varieties, which entered into force on January 1, 1988. The Law was adopted as proposed by the committee that had been entrusted with drafting the Bill.

34. Under the new Law, the Minister for Agriculture had set up a new Plant Novelty Board and two Expert Committees to assist the Board, one in respect of agricultural plants and lawn grasses and the other in respect of horticultural plants and forest trees.

35. Since the last session of the Council, protection had been extended to cornsalad, eggplant, elm, gerbera, naked oats and sweet pepper.

36. New cooperation agreements had been concluded with the Netherlands and the United Kingdom, which entered into force on January 1, 1988. A similar

agreement had been applied with France as of the same date. Other agreements were foreseen, but had not yet been concluded for lack of time, mainly due to the reorganization of the examination services.

37. As regards the pilot project for the examination of varieties by breeders, reported at the last session of the Council (see paragraph 24 of document C/XXI/13), the initial results had been most promising, but experience had shown that it was necessary to give very precise directives to the breeders. This project would be pursued, but on the basis of improved examination guidelines.

38. The use of the plant variety protection system by breeders is summarized in the table below:

	1987	1988*
Number of applications for protection including:	229	204
- agricultural crops	54	
- fruit crops	8	
- ornamentals	167	
Number of certificates issued including:	163	68
- agricultural crops	52	
- fruit crops	1	
- ornamentals	110	

* Up to September 17

39. As in many other States, in-depth discussions had been held with the Patent Office on possible solutions for the interface between patent law and plant variety protection law. The interested circles in agriculture and industry participated in some of the discussions, and those may be considered very positive.

40. The creation of a post of Adviser to the Minister for Agriculture on Biotechnological Matters had been announced at the twentieth ordinary session of the Council. The post had now been opened and it had been decided that the incumbent's office would be on the same premises as the Plant Novelty Board, thus enabling close links to be established.

41. As regards the work of the study group on questions of biotechnology and intellectual property, set up by the Nordic Council, its report had now been drawn up and should be published very shortly. It contained proposals on the demarcation between patents and plant variety protection.

42. Finally, the twenty-fifth anniversary of plant variety protection legislation had been celebrated at the close of 1987. The anniversary had been marked by an exhibition and the publication of a brochure.

43. Spain.- During the past year, the work on revision of the law had progressed considerably. The Plant Variety Protection Board had drawn up a revised draft Law taking into account the comments made by the interested circles. Particular attention had been paid to the scope of protection and an

endeavor had been made to devise solutions to certain problems that arose, in particular, in the field of ornamental plants. The draft had been submitted to the Legal Service of the Ministry.

44. Fees had been increased by 5% on January 1, 1988.

45. By ministerial decree of June 10, 1988, protection had been extended to almond, red clover, lentil, melon, ryegrass and watermelon. Extension to strawberry and to a number of other vegetable and ornamental species was under study.

46. During the past year, 292 applications for protection had been filed, that is to say 80% more than the preceding year. The total number of applications since entry into force of the Law amounted at the end of September to 2072. At that same date, 652 titles had been issued, of which 521 were still in force. The Plant Variety Protection Board was to meet during the coming month and add over 100 titles.

47. United States of America.— Within the competence of the Patent and Trademark Office, three events stood out during the past year from the point of view of UPOV. Firstly, the draft Rules on the Deposit of Biological Materials—also applying to plant material—had been amended as a result of the numerous comments received and was to be republished during the coming months. It was hoped that the Rules would be promulgated next year.

48. Furthermore, the draft Rules on Variety Denominations had been published in order to solicit comments from the interested circles and it was hoped that those Rules could be finalized during the present year or at the beginning of next year.

49. Finally, as announced in the press, the Patent and Trademark Office issued on April 12, 1988, the first patent in respect of a transgenic animal. Further patents were to be issued in future in this field.

50. Within the competence of the Plant Variety Protection Office, the most significant event had been the fact that it was envisaged to set out in a regulation the implementing rules for the provision of the Law dealing with the right to save seed for the following year. The intention was basically that farm-saved seed may not exceed a certain proportion of the quantity needed for sowing in the normal course of growing practice. The aim of the regulation was to repress the abuses that had been committed in the name of the right to save seed and of the crop exemption (Section 113 of the Law).

51. A proposal to increase fees by approximately 20% was further before the Department of Agriculture.

52. As regards revision of the Convention, the Delegation of the United States of America preferred to speak of interface or overlapping between patents and plant breeders' rights, rather than of collision. It was willing to accept deletion of the prohibition on double protection, not only because overlapping was not unaccustomed in the field of intellectual property and did not have a negative effect, but also because the two systems involved covered differing fields and could both be necessary. It emphasized that the Convention should be revised in such a way as to adapt it to international developments in intellectual property and should not restrict the member States in the development of their laws. It therefore insisted that an open mind should be maintained when revising the Convention.

53. Replying to a question by the President, the Delegation of the United States of America explained that views were divided in the professional circles in the United States of America as regards revision of the Convention and, more particularly, the question of double protection, depending on the parameters to be found in other fields: those circles that were not very committed to research and development preferred the status quo, whereas the others wished for a strengthening of the protection afforded both by patents and by plant breeders' rights. In a general way, the breeders placed their hope in the revision of the Convention and in development of the patent system and the plant variety protection system without the fear of one replacing the other.

54. France.-- From the legal point of view, it was case law that drew the most attention. Proceedings in respect of novelty of a maize line, referred to at the last session of the Council (see paragraph 40 of document C/XXI/13), had been submitted to the Court of Cassation, whose decision was still outstanding. As regards the "contract processing" case (processing by a cooperative of seed produced by a farmer for his own needs--see paragraph 39 of document C/XXI/13), the Appeals Court of Nancy upheld on September 13, 1988, the decision of the first-instance court given in May 1987. It held that farmers did not have the right to produce on their own holding seed of protected varieties. Discussions were now ongoing between the representatives of breeders and of farmers to define a new basis for their respective activities.

55. Extension of protection to some thirty vegetable, agricultural and ornamental species was under way. Account would be taken in that respect of the possibilities of cooperation with the breeders themselves.

56. Administratively, work was under way to provide GEVES, the Group for the Study and Control of Varieties and Seeds, greater flexibility in view of the development of its activities in respect of the catalogue of varieties admitted to marketing, of the examinations undertaken as part of plant variety protection and in respect of seed control.

57. The number of applications filed in 1987 amounted to 857, an increase of 18% over 1986. They were broken up as follows: ornamentals: 45%; maize: 20%; oil-seed plants: 12%; vegetables: 9%; straw cereals: 5%; fruit trees: 5%; industrial crops and potato: 4%. From 1972 to December 31, 1987, 7,340 applications had been filed and 3,928 titles issued, including 541 in 1987. As at December 31, 1987, 2,057 titles of protection were in force.

58. The Council was informed by the Delegation of France of the death, on October 6, 1988, of Mr. Jean Bustarret, one of the prominent founders of the Convention. It asked the Delegation of France to convey its condolences to Mr. Bustarret's family.

59. Hungary.-- During the past year, there had been no amendment to the rules applying to the protection of plant varieties. It should be noted, however, that income derived from plant patents had been made subject to a reduced rate of income tax under the 1987 Law.

60. In March 1988, the Institute for Plant Production and Qualification and the Institute for Animal Breeding and Feed Control were merged to form the Institute for Agricultural Qualification. The activities of the first-mentioned Institute would be continued within the framework of the new Institute.

61. The UPOV Recommendations on Variety Denominations were published in a periodical entitled "Seed."
62. Under the aegis of the Hungarian Group of AIPPI, a conference was held in Budapest in September 1988 on recent phenomena in industrial property. The main lecture in the workshop dealing with relations between patents and agriculture was presented by the Vice Secretary-General.
63. During the past year, 65 patent applications had been filed for plant varieties, of which two thirds were of foreign origin and one third of domestic origin. Altogether, distinctness, homogeneity and stability tests had been carried out on varieties of 22 species.
64. Ireland.- The only change in the legislative field had been an extension of protection to *Potentilla* as from March 1, 1988. This was the first extension to a non-agricultural species.
65. During the past year, 32 applications for protection had been filed, 20 titles issued and 20 others abandoned. Up to present, 281 valid applications had been filed and 201 titles issued in total.
66. Israel.- At present, the Plant Variety Protection Law applied to over 90 taxa.
67. During the past year, protection had been afforded to 66 varieties, the majority of which were ornamentals.
68. Work was under way in Israel on new techniques, such as electrophoresis, and was to be intensified in the future.
69. Italy.- Protection had recently been afforded to 30 varieties, mainly French bean, carnation, wheat, maize, lettuce, potato, peach, tomato, rice and soya bean. A total of 519 plant variety patents had been granted to date.
70. Japan.- Extension of protection to nine species and one genus was under preparation and it was hoped that it could be applied before the end of the current year. The list of protected taxa would then comprise 430 entries.
71. In 1987, 441 applications were filed, that is to say twice as many as in 1980. The growth in the number of applications continued. In total, since introduction of the protection system in 1978, 3,255 applications had been filed and 1,733 titles issued.
72. New Zealand.- On June 16, 1988, the former law was replaced by amended and improved legislation, based on the Plant Variety Rights Act 1987 and the Plant Variety Rights Regulations 1988. The most important amendments were:
- (i) The breeders of vegetatively propagated fruit and ornamental varieties enjoyed more extensive rights and could obtain royalties from producers who propagated a protected variety for their own purposes. They were also able to exercise better control over imports of the variety.

(ii) Provisional protection now applied automatically from the date of the application up to the date of the decision. During that period, the variety could be exploited. The former system of protective direction had therefore been abandoned.

(iii) The term of protection had been extended from 18 to 23 years in the case of woody plants and from 15 to 20 years for all other plants.

(iv) Breeders also enjoyed a three-year period as from the date of issue of the title of protection during which compulsory licenses could not be granted (period of sole rights).

73. An increase in fees, of some 106%, was applied at the same date. The effect had been to reduce the number of applications filed.

74. During the year ending September 30, 1988, the following use had been made of the system of protection:

	Applications received	Titles granted	Titles in force
Arable crops and vegetables	8	3	62
Fodder plants	10	4	20
Ornamentals	42	49	235
Fruit crops	21	3	32
TOTAL (preceding year)	81 (74)	59 (53)	349 (305)

75. Netherlands.- In April last, protection had been extended to 52 taxa. A further extension was under way.

76. During the past year, fees charged for plant variety protection had been increased. The examination fees were now at practically the same level as in the other member States participating in the system of cooperation. The renewal fees had also been raised in order to improve the rate of cost coverage under the protection system.

77. Revised agreements for cooperation in examination had been concluded with Denmark and the United Kingdom and entered into force on January 1, 1988. The principle of exchanging examination reports had proved to work without major problems.

78. Numerous State institutions were currently the subject of an evaluation in order to give them a more commercial outlook and thereby reduce costs. Consequently, the Government Institute for Research on Varieties of Cultivated Plants (RIVRO) and the Government Seed Testing Station (RPVZ) were to be merged to form a Central Seed Registration and Examination Institute. Examination would also be carried out in future on new sites, but still under the official supervision and responsibility of the Board for Plant Breeders' Rights.

79. During the past year, 1,345 applications were filed and 480 titles of protection issued. At the close of 1987, the number of titles in force was close to 2,800.

80. As regards the revision of the Convention, the Netherlands sincerely hoped that discussions could be concluded in 1990 and that solutions acceptable to all the countries and all the parties concerned could be found. The discussions that had taken place at national level as regards the demarcation between the patent system and the plant breeders' rights system had not yet been completed. It was not easy to strike an appropriate balance between the interests of the various participants in the economy. The possibility of granting patents for biotechnological inventions and the implications of such a possibility were also under study in the Netherlands. In view of the fact that such studies were being carried out in numerous countries and that it was necessary to reach an international agreement in such matters and to clarify the situation, the Netherlands welcomed the recommendation made by the Consultative Committee to convene a joint UPOV/WIPO meeting.

81. As far as the activities conducted at European Community level were concerned, the Netherlands was of the opinion that the European plant breeders' rights system should comply with the UPOV Convention. Furthermore, the proposed Council Directive on the Legal Protection of Biotechnological Inventions should, in the opinion of the Netherlands, achieve a balance with the protection of new plant varieties. Indeed, the intellectual property system as a whole had to be balanced.

82. Finally, the Netherlands welcomed the forthcoming accessions of Australia and Poland to UPOV. The Netherlands hoped that further countries would also soon introduce plant variety protection legislation and would be able to accede to UPOV.

83. United Kingdom.- Two extensions to protection, one concerning four species and the other concerning six species, were under study.

84. Revised bilateral agreements for cooperation in examination had been concluded with Denmark and the Netherlands and had entered into force on January 1, 1988. Discussions were ongoing with France.

85. As reported at the last ordinary session of the Council (see paragraph 69 of document C/XXI/13), the examination systems for varieties and seeds had been subjected to an evaluation. The report had been submitted to the interested circles and their comments had been examined. It was hoped that the ministers for agriculture would take a decision before the end of the current year. As regards the examinations undertaken as part of plant variety protection, it was clearly stated that they would continue to be based on the principles drawn up by UPOV.

86. During the year that ended on March 31, 1988, 427 applications were filed and 280 titles issued, that is to say 30% more than during the preceding year. During that same period, 241 titles had been abandoned, possibly as a result, in part, of the increase in renewal fees charged for maintaining the titles.

87. As in many other countries, discussions had been held with the Patent Office on the interface between patents and plant breeders' rights. Cooperation between the two services was good and talks were continuing towards drawing up a discussion document for transmission to the interested circles.

88. Finally, the United Kingdom hosted, on September 27 and 28, 1988, the UPOV Workshop on Variety Examination dealing with new techniques. Some 150 persons participated and the United Kingdom authorities hoped to have thereby contributed to work on the revision of the Convention.

89. Sweden.-- There had been no changes in the legislative field during the past year.

90. In 1987, 73 applications had been filed (41 for agricultural crop varieties, 1 for a vegetable variety, 4 for fruit varieties and 27 for ornamental varieties). From January 1 to October 7, 1988, there had been 72 filings. At July 1, 1988, 260 varieties were protected (143 agricultural varieties, 15 vegetable varieties, 18 fruit varieties and 84 ornamental varieties). Turnover was particularly high in the field of ornamentals.

91. Cooperation agreements had been concluded with four States; a fifth was being negotiated.

92. Switzerland.-- The list of protected taxa had been extended as of April 1, 1988; it now comprised 78 entries.

93. To present, 523 applications for protection had been filed, including 81 during the past year, and 324 titles had been issued.

94. Finally, Switzerland supported the idea of a joint UPOV/WIPO meeting.

2. Statements by the Representatives of Non-Member States

95. Argentina.-- The principles of the legislation on seed and phylogenetic creations, on which plant variety protection was based, were very similar to those of the UPOV Convention. Ten years of practical application had shown its virtues. However, it was open to a general revision, including in the light of a comparative study with the established international procedures.

96. That was why the Delegation of Argentina was happy to be able to participate as an observer at UPOV and would follow the discussions with great interest.

97. Australia.-- The Delegation of Australia thanked the Council for its positive decision concerning conformity of the Australian legislation with the UPOV Convention. Australia held accession to UPOV to be an essential element of its policy to establish a system of protection for new plant varieties that was in compliance with international standards.

98. The Plant Variety Rights Act introduced in March 1987 had been applied since April 1988. To date, 26 applications had been filed; they concerned various species and demonstrated the interest shown by breeders for the protection system. Numerous foreign breeders, particularly in the ornamental field, had requested information and it was expected that a large number of foreign varieties would be available in future to Australian users.

99. Australia had adopted a system under which the decision to grant protection was based on an examination made by the breeder himself on the basis of

the UPOV Guidelines. The description of the variety was published in the Plant Varieties Journal in order to enable interested circles to determine whether it could be identical with an existing variety. This procedure would be closely monitored and UPOV informed of any problems. Close cooperation would also be set up with New Zealand, where the grant procedure was similar.

100. Canada.- A plant variety protection Bill based on the 1978 Act of the Convention had been submitted to Parliament in January of the current year. However, it had not been possible to adopt the Bill prior to the recent dissolution of Parliament and it would therefore have to be reintroduced following the elections.

101. In a general manner, Canada followed the work of UPOV with great interest.

102. Finland.- Finland was unable to be represented at the present session of Council, but a Delegation had participated at the twenty-third session of the Administrative and Legal Committee held the preceding week. On behalf of that Delegation, the Vice Secretary-General informed the Council that the development of the situation in Finland justified increased interest by the Finnish authorities for the work of UPOV. In 1987, the Ministry of Agriculture had set up a working group to evaluate plant variety protection and to propose measures to promote plant breeding activities. The working group, composed of representatives of farmers' unions, the food industry, the seed trade, the breeders and the Patent Office, had also been required to examine the position of Finland as regards UPOV.

103. The working group had drawn up its report last spring. It held that it was necessary to maintain plant breeding activities at national level and proposed measures to promote such activities. In particular, it proposed that breeders' rights be recognized and that appropriate legislation be introduced that should also permit Finland to accede to UPOV. It was therefore expected that the Minister for Agriculture would soon set up a committee to prepare such legislation.

104. Morocco.- The official services responsible for variety control were aware of the importance of plant variety protection as a means of promoting investment in plant breeding and of improving the well-being of the population through the development of agriculture; consequently, they were currently establishing contacts with the various interested parties to examine the possibility of acceding to the UPOV Convention. It was hoped that those activities would progress rapidly.

105. Within its activities in relation to the catalogue of varieties authorized for marketing, the Seed and Seedlings Control Service was applying the UPOV Guidelines for examining distinctness, homogeneity and stability of the varieties. The Service was therefore able to also carry out the examination for the purposes of protection.

106. Morocco had further devoted considerable effort to training and facilities in the field of variety control. The services already used procedures that complied with the UPOV Guidelines.

107. Mexico.- Mexico was aware of the importance of acceding to UPOV. However, there was widespread reservation in the country within technical circles to the fact that genetic material originating in Mexico, in Central America or in certain countries of South America had been developed in developing countries and that countries such as Mexico had then to pay royalties for using the bred material. The Delegation of Mexico wished to hear the views of the members of UPOV on that matter.

108. The President did not wish to enter into a detailed discussion in such a complex and controversial matter. The members of the Council were aware of the problem and knew the points of view that had been expressed, particularly within the Commission on Plant Genetic Resources of FAO. Most of the member States of UPOV, and UPOV as such, participated in the work of that Commission; UPOV had also made a contribution to drawing up the concerted interpretation of the International Undertaking on Plant Genetic Resources.

109. Both the UPOV Convention and the International Undertaking gave free access to genetic material for plant breeding purposes in order to provide optimum conditions for creative activity, for the development of agriculture and for the improvement of food. The general aim of the UPOV Convention was to encourage such activities, both in the developed countries and the developing countries. In the more special case of Mexico, the President pointed out that the country had done a lot of useful work in the past, that it continued to produce acknowledged results that were appreciated throughout the world and that it could usefully cooperate, in a constructive manner, with UPOV. In that respect, he expressed the hope that Mexico would be able to ratify the Convention soon and become a member of UPOV.

110. Finally, the President pointed out that the Office of the Union was available to the States for any additional information.

111. The Delegation of Mexico thanked the President. It added that Mexico had still to develop all its potential and that the question had not so far received all the attention it deserved. It finally requested that additional information, particularly the texts of plant variety protection laws, be supplied to it.

112. Norway.- Norway had a system of fees levied on marketed seed. That system applied to agricultural species. At present, the fee was laid down by regulation and had been reviewed during the past year. The fee levied by the National Seed Council was distributed amongst the breeders.

113. Nevertheless, the National Seed Council had recently been requested by the Ministry of Agriculture to draw up a report on the interest for Norway of a plant variety protection system in compliance with the UPOV Convention. Norway would contact the Office of the Union in due time as regards the measures to be taken towards accession by Norway to the Convention.

114. Poland.- As announced at the last ordinary session of the Council, Parliament had adopted the Seed Industry Law on October 10, 1987, and the Law had entered into force on January 1, 1988. It governed all aspects of seed activity and, based on the principles of the UPOV Convention, the protection of new plant varieties. The Law had been supplemented by three Decrees issued by the Minister for Agriculture, Forestry and Food Economy. The Decree of April 14, 1988, concerned protection and contained a list of 225 taxa of which the varieties might be protected in Poland. That list comprised practically all taxa of importance for the national economy grown in Poland; it might be supplemented in future.

115. Up to present, 33 applications for protection had been filed (21 for agricultural varieties, 3 for vegetable varieties and 9 for ornamental varieties). Two thirds of those applications were of Polish origin.

116. In accordance with the procedure laid down in Article 32(3) of the Convention, the Minister for Agriculture, Forestry and Food Economy had requested the Council to advise it on the conformity of Polish legislation with the provisions of the Convention. It had also invited a UPOV delegation to visit Poland for discussions and visits in the region of Poznan and Warsaw. The Delegation of Poland wished to thank the members of the delegation for the work they had carried out.

117. The Delegation of Poland also wished to thank the Council for its positive opinion on conformity of the Polish legislation with the provisions of the Convention and for the confidence it had shown in Poland. The Polish authorities would do all possible to cooperate with the authorities of the other member States within the framework of UPOV for the good of farmers and also for the development of international cooperation in the field of varieties and seed.

118. Portugal.- Portugal continued to follow with great interest the work and development of UPOV. The authorities were at present finalizing a draft Law on the Protection of New Plant Varieties based on the general principles given in the UPOV Model Law. Once the drafting was finished, the text would be submitted to the Office of the Union for its comments and then to the Government. The Delegation hoped that Portugal would soon be able to undertake the necessary steps for accession to UPOV; it was convinced that such accession would be of mutual benefit.

119. Turkey.- Turkey was participating for the first time in a session of the Council. The Turkish authorities were following with great interest the work of UPOV, but had unfortunately been unable to be represented other than by the Permanent Mission to the United Nations Office and the specialized agencies in Geneva.

3. Statements by Representatives of Organizations

120. European Communities (EC).- During the past year, significant progress had been achieved on two initiatives taken by the Commission of the European Communities in the field of concern to UPOV, particularly with a view to the 1992 deadline for achieving the single internal market and in view of the Community action program for biotechnology.

121. The first initiative aimed at establishing a compulsory Community interpretation of the European Patent Convention in order to promote development of biotechnology within the Community. That initiative would normally lead to a Directive of the Council of the European Communities on the Legal Protection of Biotechnological Inventions. A draft had been adopted on October 5, 1988, following a long period of preparation, particularly due to the discussions on the scope of patentability of living matter. It was soon to be published in nine languages in the Official Journal of the European Communities.

122. Basically, the initiative extended the patent system to biological material in its widest sense, or facilitated that extension. It provided that new plants and new plant products resulting from new biotechnological processes would be patentable and that any use of the process or the product would be subject to licensing; a new plant or a new plant product derived from a known biotechnological process would not be patentable, however. Thus, double protection would be possible. The provisions governing the interface between the two protection arrangements remained to be drafted.

123. The aim of the second initiative was to set up a Community breeders' right with a view to the establishment of the single market in 1992, to make available to breeders a system enabling them to obtain, on the basis of a single application and a single decision, uniform protection throughout the Communities. The adoption of the first initiative had opened up the way to the second initiative, which was finally likely to take the form of a Regulation. After final drafting, that was to say in a few weeks' time, the text of the draft Regulation would be communicated to the Community Member States and to the professional organizations concerned for consultation.

124. Replying to a question put by the Secretary-General, the Representative of the European Communities confirmed that it was intended to set up a Community Plant Variety Protection Office. As far as maintaining in being the national services--and national laws--was concerned, it had been foreseen at the start to follow the example of the Community patent. However, the Commission of the European Communities was to take, at the appropriate time, an important policy decision on the compatibility of the coexistence of Community law and national laws with the objective of a single market.

b. Data Assembled by the Office of the Union on the State of Protection in Member States and Cooperation Between Them

125. The Council noted the contents of documents C/XXII/5, 6, 7 and 8.

126. The Council decided that the Consultative Committee should examine at its next session the need for and periodicity of some of the documents mentioned in the previous paragraph, in particular the statistics on the number of protected varieties, after delegations had checked the matter at national level.

Report on the Work of the Twenty-Seventh and Twenty-Eighth Sessions of the Consultative Committee

127. The Council noted the report on the work of the thirty-seventh session of the Consultative Committee as given in paragraph 5 of document C/XXII/2 Add. and also the oral report by the President on the work of the thirty-eighth session.

128. The Council decided as follows on the basis of the recommendations made by the Consultative Committee:

(i) The Office of the Union should cooperate with the International Bureau of WIPO in the preparation of a document to serve as the basis for discussions in a joint UPOV/WIPO committee of experts meeting which would deal with the relationships between patent protection and plant variety protection. A draft of the document should be submitted to the next

session of the Administrative and Legal Committee, in April 1989, and the Consultative Committee should subsequently make decisions or tentative decisions on the details of the organization of the joint meeting. The meeting should take place in January 1990 at the latest.

(ii) International non-governmental organizations should in future be admitted to ordinary sessions of the Council. The power of deciding, in respect of each session of the Council, whether organizations were to be invited and, if so, which organizations should be invited and to which parts of the session they should be invited was delegated to the Consultative Committee.

Report by the Secretary-General on the Activities of the Union in 1987 and in the First Nine Months of 1988

129. The Council unanimously approved the report by the Secretary-General as contained in document C/XXII/2 and in its supplement (document C/XXII/2 Add.).

Report by the Secretary-General on his Management During the 1986-1987 Biennium and on the Financial Situation of the Union at December 31, 1987

130. The Council unanimously approved the report by the Secretary-General as contained in document C/XXII/3 and approved the accounts presented therein.

Report on the Auditing of the Accounts of the 1986-1987 Biennium

131. The Council noted the report presented by the auditors in Annex B to document C/XXII/3 and expressed its gratitude to the Government of Switzerland for its cooperation in this matter.

Progress of the Work of the Administrative and Legal Committee

132. The Council unanimously approved the report on the progress of the work of the twenty-second session of the Administrative and Legal Committee as contained in document C/XXII/9. It also noted with approval the oral report given by Mr. F. Espenhain (Denmark), Chairman of the Administrative and Legal Committee, on the twenty-third session of the Committee, which was held from October 11 to 14, 1988. That session had been devoted almost exclusively to the revision of the Convention.

133. On the basis of a recommendation made by the Administrative and Legal Committee, the Council drew the attention of member States to the Recommendations on the Harmonization of the Lists of Protected Species, which it had adopted at its twentieth ordinary session, on December 2, 1986 (see Annex II to this document). The Council further drew the attention of member States to the fact that differences in the lists of protected species could lead to distortions of competition in the trade with plant material between member States.

134. The Council finally noted with approval the plans for the future work of the Committee on the revision of the Convention and the preparation of a joint UPOV/WIPO committee of experts meeting.

Progress of the Work of the Technical Committee, the Technical Working Parties and the Workshops on Variety Examination

135. The Council unanimously approved the report on the progress of the work of the Technical Committee, the Technical Working Parties and the Workshops on Variety Examination as contained in document C/XXII/10 and in its supplement (document C/XXII/10 Add.). It also noted with approval the oral report given by Dr. J.K. Doodson (United Kingdom), Chairman of the Technical Committee.
136. The Council further noted with approval the plans for the future work of these organs.
137. The Council supported the intention to do further work on the use of new technologies in the examination of varieties. It was of the view that such work should be carried out on an ad hoc basis.

Calendar of Meetings in 1989

138. The Council adopted the calendar of meetings in 1989 as set out in Annex III to this document.
139. The Council noted the wish expressed by the Delegation of the Federal Republic of Germany that meetings involving high travelling costs for a large number of member States be announced two years in advance to permit arrangements for participation.

Election of the New Chairman and the New Vice-Chairman of the Administrative and Legal Committee

140. The Council unanimously elected Mrs. C. Holtz (Sweden) as Chairman of the Administrative and Legal Committee for a term of office of three years, expiring at the end of the twenty-fifth ordinary session of the Council, in 1991.
141. The Council further reelected Mr. F. Gougé (France) as the Vice-Chairman of the Administrative and Legal Committee for a term of office of the same duration.
142. The Council expressed its appreciation to Mr. F. Espenhain (Denmark), the outgoing Chairman, for the activity he had deployed during his term of office.

143. The indented paragraphs of this report were adopted by the Council at its meeting of October 19, 1988, and the remaining paragraphs have been adopted by correspondence.

[Annexes follow]

ANNEX I/ANNEXE I/ANLAGE I

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/
TEILNEHMERLISTE

I. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATEN

BELGIUM/BELGIQUE/BELGIEN

M. W.J.G. VAN ORMELINGEN, Ingénieur agronome, Ministère de l'agriculture,
Manhattan Center, 21, avenue du Boulevard, 1210 Bruxelles

DENMARK/DANEMARK/DAENEMARK

Mr. F. ESPENHAIN, Chairman, Plant Novelty Board, Statens Planteavlkontor,
Skovbrynet 18, 2800 Lyngby

FRANCE/FRANKREICH

M. J.-F. PREVEL, Directeur du Bureau de la sélection végétale et des semences
au Ministère de l'agriculture, 78, rue de Varennes, 75007 Paris

Mlle N. BUSTIN, Secrétaire général, Comité de la protection des obtentions
végétales, Ministère de l'agriculture, 11, rue Jean Nicot, 75007 Paris

GERMANY (FED. REP. OF)/ALLEMAGNE (REP. FED. D')/DEUTSCHLAND (BUNDESREPUBLIK)

Dr. D. BÖRINGER, Präsident, Bundessortenamt, Postfach 61 04 40,
3000 Hannover 61

Herr W. BURR, Ministerialrat, Bundesministerium für Ernährung, Landwirtschaft
und Forsten, Rochusstrasse 1, 5300 Bonn 1

HUNGARY/HONGRIE/UNGARN

Dr. B. SZALÓCZY, Deputy Director-General, Institute for Agricultural Qualifi-
cation, Ministry of Agriculture and Food, P.O. Box 93, 1525 Budapest 114

Dr. J. BOBROVSZKY, Head, Legal and International Department, National Office
of Inventions, Garibaldi u.2, P.O. Box 552, 1370 Budapest 5

IRELAND/IRLANDE/IRLAND

Mr. D.P. FEELEY, Department of Agriculture and Food, Agriculture House,
Kildare Street, Dublin

ISRAEL

Mr. M. ZUR, Director, Israeli Gene Bank, A.R.O., Chairman, Plant Breeders' Rights Council, Agricultural Research Organisation, Volcani Centre, P.O. Box 6, Bet Dagan 50250

ITALY/ITALIE/ITALIEN

Dr. B. PALESTINI, Dirigente, Ministry of Agriculture and Forestry, D.G. Produzione Agricola, 20, Via XX Settembre, 00187 Rome

JAPAN/JAPON/JAPAN

Mr. S. KAWAHARA, Deputy Director, Seeds and Seedlings Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries, 1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo

Mr. S. MIYATA, Deputy Director, Seeds and Seedlings Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries, 1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo

Mr. K. NAITO, First Secretary, Permanent Mission of Japan, 10, avenue de Budé, 1202 Geneva, Switzerland

NETHERLANDS/PAYS-BAS/NIEDERLANDE

Mr. W.F.S. DUFFHUES, Director, Forestry and Landscaping, Ministry of Agriculture and Fisheries, Griffioenlaan 2, P.O. Box 20023, 3502 LA Utrecht

Mr. B.P. KIEWIET, Chairman, Board for Plant Breeders' Rights, P.O. Box 104, 6700 AC Wageningen

Ms. Y.E.T.M. GERNER, Legal Adviser, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague

NEW ZEALAND/NOUVELLE-ZELANDE/NEUSEELAND

Mr. F.W. WHITMORE, Commissioner, Plant Variety Rights Office, P.O. Box 24, Lincoln, Canterbury

SOUTH AFRICA/AFRIQUE DU SUD/SUEDAFRIKA

Mr. D.C. LOURENS, Director, Directorate of Plant & Liquor Control, Department of Agricultural Economics & Marketing, Private Bag X179, 0001 Pretoria

Mr. J.U. RIETMANN, Agricultural Counsellor, South African Embassy, 59, quai d'Orsay, 75007 Paris, France

SPAIN/ESPAGNE/SPANIEN

- M. R. LOPEZ DE HARO Y WOOD, Director Técnico de Certificación y Registros de Variedades, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal 56, 28003 Madrid
- Dr. J.M. ELENA ROSSELLO, Jefe del Registro de Variedades, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal 56, 28003 Madrid

SWEDEN/SUEDE/SCHWEDEN

- Mr. S. MEJEGÅRD, President of Division of the Court of Appeal, Armfelts-gatan 4, 115 34 Stockholm
- Prof. L. KÄHRE, Vice-Chairman, Department of Crop Production Science, Swedish University of Agricultural Sciences, Box 7042, 75007 Uppsala
- Mr. A.O. SVENSSON, Head of Office, Statens växsortsnämnd, Box 1247, 171 24 Solna

SWITZERLAND/SUISSE/SCHWEIZ

- Frau M. JENNI, Leiterin des Büros für Sortenschutz, Bundesamt für Landwirtschaft, Mattenhofstrasse 5, 3003 Bern
- Dr. M. INGOLD, Adjoint de direction, Station fédérale de recherches agronomiques, Changins, 1260 Nyon

UNITED KINGDOM/ROYAUME-UNI/VEREINIGTES KOENIGREICH

- Mr. J. HARVEY, Controller, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF
- Mr. J. ARDLEY, Deputy Controller, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF
- Dr. J.K. DOODSON, Deputy Director, Head of Crops Division, National Institute of Agricultural Botany, Huntingdon Road, Cambridge CB3 0LE

UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE/VEREINIGTE STAATEN VON AMERIKA

- Mr. H.D. HOINKES, Senior Counsel, Office of Legislation and International Affairs, Patent and Trademark Office, U.S. Department of Commerce, Box 4, Washington, D.C. 20231

II. OBSERVER STATES/ETATS OBSERVATEURS/BEOBACHTERSTAATEN

ARGENTINA/ARGENTINE/ARGENTINIEN

- Mme R. SOTILLO-MILLET, Premier secrétaire, Ambassade de la République argentine en France (affaires économiques), 6, rue Limorosa, 75016 Paris, France
- M. A.G. TROMBETTA, Deuxième secrétaire, Mission permanente de la République argentine auprès de l'Office des Nations Unies et des autres organisations internationales à Genève, 110, avenue Louis-Casai, 1215 Genève 15, Suisse

AUSTRALIA/AUSTRALIE/AUSTRALIEN

- Mrs. K.H. ADAMS, Registrar, Plant Variety Rights, Bureau Rural Resources, P.O. Box 858, Canberra ACT 2601

CANADA/CANADA/KANADA

- Ms. V. SISSON, Variety Rights Examiner, Seed Division, Agriculture Canada, Room 4135, Neatby Building, 960 Carling Avenue, Ottawa, Ontario K1A 0C6

MEXICO/MEXIQUE/MEXIKO

- M. J. PINA ARMENDARIZ, Director de Relaciones Comerciales Internacionales, Secretaria de Agricultura, Carolina 132, Mexico 03720 D.F.

MOROCCO/MAROC/MAROKKO

- M. M. TOURKMANI, Ingénieur en chef, Chef du Service de contrôle des semences et des plants, B.P. 1308, Rabat
- M. R. LAKHDAR, Ingénieur en chef, Chef de la Division des contrôles techniques et phytosanitaires, B.P. 1308, Rabat

NORWAY/NORVEGE/NORWEGEN

- Mr. L.R. HANSEN, Head of Office, The National Seed Council, P.O. Box 3, Moerveien 2, 1430 As

PHILIPPINES/PHILIPPINEN

- Mrs. D. MEÑEZ-ROSAL, Minister Counsellor, Philippines Mission to the United Nations and other International Organizations, 47, avenue Blanc, 1202 Geneva, Switzerland

POLAND/POLOGNE/POLEN

- M. J. VIRION, Chef-expert, Ministère de l'agriculture, des forêts et de l'économie alimentaire, Ministerstwo Rolnictwa, 30, rue Wspolna, Warszawa
- Mr. K. DMOCHOWSKI, Head of the Laboratory in the Research Center of Cultivars (COBORU), 63-022 Slupia Wielka

PORTUGAL

- M. C.M. PEREIRA GODINHO, Ingénieur, Centro Nacional de Protecção da Produção Agrícola, Tapada da Ajuda, Edifício II, 1300 Lisboa

TURKEY/TURQUIE/TUERKEI

- M. A. ALGAN, Conseiller, Mission permanente de la Turquie auprès de l'Office des Nations Unies à Genève, 28, chemin du Petit-Saconnex, 1211 Genève 19, Suisse

III. INTERGOVERNMENTAL ORGANIZATION/
ORGANISATION INTERGOUVERNEMENTALE/
ZWISCHENSTAATLICHE ORGANISATION

EUROPEAN ECONOMIC COMMUNITY (EEC)/COMMUNAUTE ECONOMIQUE EUROPEENNE (CEE)/EURO-
PAEISCHE WIRTSCHAFTSGEMEINSCHAFT (EWG)

- Dr. G. HUDSON, Head of Division, Directorate-General for Agriculture, Commission of the European Communities, 200, rue de la Loi, 1049 Brussels, Belgium

IV. OFFICERS/BUREAU/VORSITZ

- Mr. W.F.S. DUFFHUES, President
Mr. R. LOPEZ DE HARO Y WOOD, Vice-President

V. OFFICE OF UPOV/BUREAU DE L'UPOV/BUERO DER UPOV

Dr. A. BOGSCH, Secretary-General
Mr. B. GREENGRASS, Vice Secretary-General
Mr. A. HEITZ, Senior Counsellor
Dr. M.-H. THIELE-WITTIG, Senior Counsellor
Mr. C. ROGERS, Legal Officer
Mr. Y. HAYAKAWA, Associate Officer

VI. OFFICE OF WIPO/BUREAU DE L'OMPI/BUERO DER WIPO

Dr. T.A.J. KEEFER, Director and Controller, Budget and Finance Division

[Annex II follows/
L'annexe II suit/
Anlage II folgt]

ANNEX II

UPOV RECOMMENDATIONS
ON THE HARMONIZATION OF THE LISTS OF PROTECTED SPECIES

adopted by the UPOV Council at its twentieth ordinary session,
on December 2, 1986

The Council of the International Union for the Protection of New Varieties of Plants,

Considering that Article 4(1) of the International Convention for the Protection of New Varieties of Plants provides that the Convention may be applied to all botanical genera and species;

Considering that the member States have undertaken under Article 4(2) of the Convention to adopt all measures necessary for the progressive application of the provisions of the Convention to the largest possible number of botanical genera and species;

Considering further that Article 7(1) of the Convention requires that protection be granted after examination of the variety in the light of the criteria defined in Article 6 and that such examination is to be appropriate to each botanical genus or species;

Referring to the statement noted with approval by the Council at its tenth ordinary session in 1976 that "it is clear that it is the responsibility of the member State to ensure that the examination required by Article 7(1) of the UPOV Convention includes a growing test and the authorities in the present UPOV States [in 1976] normally conduct these tests themselves";

Taking into account the fact that the main obstacle to the application of the Convention in the member States to the largest possible member of botanical genera and species is the limitation on the economic and technical and on the scientific possibilities of carrying out variety examination;

Referring to the fact that Article 30(2) of the Convention specifically sets out the possibility of the competent authorities of the member States concluding special contracts with a view to the joint utilization of the services of the authorities entrusted with the examination of varieties in accordance with the provisions of Article 7 and with assembling the necessary reference collections and documents;

Noting with satisfaction that the member States have already made extensive use of that possibility, both in order to keep the cost of protection for new plant varieties at the lowest possible level and also to extend their lists of protected species;

Convinced that further progress can be achieved in this field and that such progress is also called for to maintain or even improve the effectiveness of new plant variety protection as a tool in the development of agriculture and the safeguarding of breeders' interests;

Recommends the member States of the Union:

(a) to extend protection to every genus or species for which the following conditions are met:

(i) The genus or species is the subject of plant breeding work, or it is expected that the extension of protection will be an incentive for such work to be undertaken;

(ii) There is a real or potential market in the member State of the Union concerned for reproductive or vegetative propagating material of varieties from that genus or species;

(iii) Examination facilities are existing or will be set up for the genus or species, either in the member State of the Union concerned or in another member State which offers its services for examination pursuant to the provisions of Article 30(2) of the Convention;

(iv) There are no legal, climatic or other obstacles to such extension;

(b) to offer their services to the other member States for the examination of varieties, particularly in those cases in which the other States participating in the cooperation system do not yet protect the genus or species concerned, by means of concerted action to concentrate examination of the varieties at an optimum number of the authorities concerned;

(c) to inform the other member States as early as possible of their intentions to extend protection to a given genus or species, giving sufficient details, and to offer the services of their authorities for the examination of varieties of such genus or species to enable the other States, as appropriate, to put in hand the procedures required by their legislation for an extension of the same kind.

[Annex III follows]

DATES FOR MEETINGS IN 1989

presented in the order of the organs

Council

October 17 and 18

Consultative Committee

April 14
October 16

Administrative and Legal Committee

April 10 to 13
October 10 to 13

Technical Committee

October 5 and 6

Technical Working Party for Agricultural Crops

June 13 to 16, Belfast, United Kingdom

Technical Working Party on Automation and Computer Programs

May 17 to 19, Madrid, Spain

Technical Working Party for Fruit Crops

September 26 to 29, Wageningen, Netherlands

Technical Working Party for Ornamental Plants and Forest Trees

May 29 to June 1, Hanover, Federal Republic of Germany

Technical Working Party for Vegetables

July 3 to 7, Japan

Workshops on Variety Examination

- for Pelargonium and Begonia: June 1 and 2, Hanover, Federal Republic of Germany
- for Maize: October 2 and 3, Versailles, France
- for Soya Bean: still to be decided

Meeting with International Organizations

October 9