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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

**Twenty-second Ordinary Session
Geneva, October 18 and 19, 1988**REPORT ON THE PROGRESS OF THE WORK OF THE
ADMINISTRATIVE AND LEGAL COMMITTEEprepared by the Office of the Union

1. Since the twenty-first ordinary session of the Council, the Administrative and Legal Committee (hereinafter referred to as "the Committee") has held two sessions: the twenty-first, on October 8 and 9, 1987, and the twenty-second, from April 18 to 21, 1988. The first half day of the twenty-first session was devoted to a joint meeting with the Technical Committee.
2. The Committee will be holding its twenty-third session from October 10 to 13, 1988. An oral report will be made to the Council concerning the work of the Committee during that session.
3. The Committee has considered a wide range of issues, but its work may be grouped under the following main headings:
 - (a) Definition and examination of hybrid varieties;
 - (b) Minimum distances between varieties;
 - (c) Preparations for the Third Meeting with International Organizations;
 - (d) Revision of the Convention;
 - (e) Harmonization of the lists of protected taxa;
 - (f) International (FAO) Undertaking on Plant Genetic Resources.

Definition and Examination of Hybrid Varieties

4. Following from the discussion of the definition and examination of hybrid varieties which took place at the twentieth session of the Committee, this subject was again discussed by the Committee at its joint meeting with the Technical Committee during the twenty-first session. The representative of France explained in detail the procedure which was under examination in his country for the distinctness testing of hybrids of maize--a procedure which is based on the testing of the parental lines of the hybrid concerned rather than the hybrid itself. The Committee discussed the practical reasons for wishing to introduce this procedure and its effectiveness for making determinations of distinctness at the hybrid level. The Committee also discussed the compatibility of this procedure with Articles 6 and 7 of the Convention.

Minimum Distances Between Varieties

5. During the joint meeting with the Technical Committee at the twenty-first session of the Committee, the question of minimum distances between varieties was discussed. Specific issues covered included: the advantages and disadvantages of the use of statistical methods in distinctness testing and the possible reduction of minimum distances as the result of such use of statistical methods; minimum distances under the procedure being tested in France for the definition and examination of hybrid varieties (see paragraph 4 above); the possible consequences for minimum distances of different interpretations of Article 6(1)(a) of the Convention; and the effect on minimum distances of the use of new technology in testing work.

6. During the joint meeting with the Technical Committee at the twenty-first session of the Committee, delegates also reported their answers to four specific questions concerning important characteristics and minimum distances which the twentieth session of the Committee had decided should be discussed at the national level.

Preparations for the Third Meeting with International Organizations

7. At its twenty-first session, the Committee discussed the documents for the Third Meeting with International Organizations and the form that the meeting should take. The Committee also approved the intentions of the Chairman (Mr. S.D. Schlosser, United States of America) concerning the way in which he would conduct the meeting.

Revision of the Convention

8. The largest item of work undertaken by the Committee during its twenty-first and twenty-second sessions concerned revision of the Convention. At its twenty-first session, the Committee discussed the organization of the work on revision of the Convention and agreed to propose to the Council that the main work be done by the Committee itself. This proposal was accepted by the Council at its twenty-first ordinary session (October 15 and 16, 1987).

9. The Committee devoted two and a half days of its twenty-second session to work on revision of the Convention. Discussions were based on proposals for revision prepared by the Office of the Union and the Delegation of the Federal Republic of Germany. The Committee examined the proposals article by article. A full report on the Committee's deliberations is contained in document CAJ/XXII/8 Prov.

Harmonization of the Lists of Protected Taxa

10. Following the decision of the Council at its twenty-first ordinary session (October 15 and 16, 1987) that the Committee should reconsider the question of the harmonization of national lists of protected taxa on the basis of document C/XXI/8 (Statistics on the Number of Protected Varieties), the Committee briefly discussed this question at its twenty-second session. The Committee decided, however, that it was not feasible for it to continue discussion of this question, and that it should be left to national policy.

International (FAO) Undertaking on Plant Genetic Resources

11. At its twenty-second session the Committee had before it a letter which had been received by the Secretary-General from the FAO which asked for UPOV's assistance in the interpretation of those parts of the International Undertaking on Plant Genetic Resources that concerned plant breeders' rights. The Committee discussed generally the undertaking and the reply to be made to the letter from the FAO.

12. The Council is requested:

(i) to take note of the work carried out by the Committee;

(ii) to take the necessary decisions on the future work of the Committee.

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