



CAJ-AG/12/7/5

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE ADVISORY GROUP**Seventh Session
Geneva, October 29 and 30, 2012****MATTERS REFERRED BY THE CAJ TO THE CAJ-AG FOR CONSIDERATION
SINCE THE SIXTH SESSION OF THE CAJ-AG***Document prepared by the Office of the Union*

1. The purpose of this document is to consider a suggestion to include a limited number of permanent places for observers representing various stakeholder groups such as farmers, breeders and certain other observer non-governmental organizations (NGOs) in the Administrative and Legal Committee Advisory Group (CAJ-AG).

BACKGROUND

2. The Administrative and Legal Committee (CAJ), at its sixty-fifth session held in Geneva on October 29, 2012, noted the arrangements concerning the posting of CAJ-AG documents and comments, and the *ad hoc* invitations to observer organizations, as set out in document CAJ/65/2, paragraphs 33 to 36, and noted in particular the following:

(a) In order to ensure that the CAJ-AG had sufficient time to consider written comments, the CAJ-AG had agreed that comments should be sent, in English, to the Office of the Union at least two weeks prior to the relevant session of the CAJ-AG;

(b) The CAJ-AG had agreed that, in cases where written comments were received from an observer organization, the CAJ-AG would invite the observer organization to the relevant part of the next CAJ-AG session if the presence of the organization was considered necessary to present its views or to provide further explanations concerning its written comments. In that regard, the CAJ-AG had agreed that the CAJ-AG would, if necessary, decide by correspondence whether to invite the observer organization to the relevant part of the CAJ-AG session; and

(c) On the basis of comments received for the sixth session of the CAJ-AG, the CAJ-AG had agreed at its sixth session to invite International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIOPORA), the European Coordination Via Campesina (ECVC) and the International Seed Federation (ISF) to the relevant part of the seventh session of the CAJ-AG.

3. In accordance with the procedure above, invitations were issued to CIOPORA, ISF and ECVC to join the seventh session of the CAJ-AG at 3.00 p.m., on October 29, 2012, in order to enable those organizations to present their views on items 3 to 6 of the draft agenda of the CAJ-AG (see document CAJ-AG/12/7/1) (see document CAJ/65/12 "Report on the Conclusions" paragraph 24).

4. The CAJ, at its sixty-fifth session, noted the suggestion of the Association for Plant Breeding for the Benefit of Society (APBRES) to include a limited number of permanent places for observers representing various stakeholder groups such as farmers, breeders and certain other observer non-governmental organizations (NGOs) (e.g. two per stakeholder group) in the CAJ-AG and to allow the stakeholder groups

to coordinate on the persons to occupy those places at each session of the CAJ-AG, according to the matters under consideration. It also noted the APBREBES suggestion that those permanent places could be supplemented on an *ad hoc* basis, as considered appropriate by the CAJ-AG. The CAJ agreed to invite the CAJ-AG to consider that approach at its seventh session, in October 2012 (see document CAJ/65/12 "Report on the Conclusions" paragraph 23).

MATTERS FOR CONSIDERATION

5. In the first instance, the CAJ-AG may wish to consider whether to propose to the CAJ the inclusion of a limited number of permanent places for observers in the CAJ-AG. In that regard, the current terms of reference of the CAJ-AG concerning observer organizations (see document CAJ/52/4, paragraph 14, and document CAJ/52/5 "Report", paragraph 67) are as follows:

"Observer organizations, in particular those representing the interests of breeders, might be invited by the advisory group to present their views on a particular provision of the 1991 Act to assist in their work. Where appropriate, those presentations might be made in conjunction with a CAJ session."

6. In the case that the CAJ-AG agrees to propose to the CAJ the inclusion of a limited number of permanent places for observers, the CAJ-AG may wish to consider the following matters with regard to the suggestion made by APBREBES:

- (a) the number of permanent places for observers;
- (b) the definition of the stakeholder groups;
- (c) the basis on which it would be decided that an observer organization would represent a stakeholder group;
- (d) the basis on which to resolve situations where individual observer organizations from within a stakeholder group wished to be represented individually; and
- (e) the basis for supplementing the permanent places on an *ad hoc* basis.

7. The conclusions of the CAJ-AG will be presented to the CAJ at its sixty-seventh session, to be held in March 2013.

8. *The CAJ-AG is invited to consider the suggestion made by APBREBES (see paragraphs 5 to 7, above).*

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