



CAJ-AG/14/9/5

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE ADVISORY GROUP**Ninth Session****Geneva, October 14 and 17, 2014****MATTERS CONCERNING OBSERVERS IN THE CAJ-AG***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. The purpose of this document is to invite the Administrative and Legal Committee Advisory Group (CAJ-AG) to consider the arrangements for *ad hoc* invitations for observers in the CAJ to attend the relevant part of the CAJ-AG.

Conclusions of the Consultative Committee concerning participation of observers in the CAJ-AG

2. The Administrative and Legal Committee (CAJ), at its sixty-ninth session, held in Geneva on April 10, 2014, noted that the Consultative Committee, at its eighty-sixth session, held in Geneva on October 23 and 24, 2013, had endorsed the current approach whereby the CAJ-AG invites, on an *ad hoc* basis, organizations that have observer status in the CAJ to present their views at the relevant part of the CAJ-AG, as it considered appropriate (see document CAJ/69/13 "Report" paragraph 20).

Matters referred by the CAJ to the CAJ-AG for consideration at its ninth session

3. The CAJ, at its sixty-ninth session, invited the CAJ-AG, at its ninth session, to consider whether the CAJ-AG would need the possibility for some discretion in relation to *ad hoc* invitations for observers who had made written comments, to attend the relevant part of the CAJ-AG, and if so, the mechanism for implementation in a timely manner (see document CAJ/69/13 "Report" paragraph 22).

4. In relation to the above request from the CAJ, the CAJ-AG may wish to note its current arrangements in relation to matters concerning *ad hoc* invitations to the CAJ-AG for the ninth session, as follows:

(a) the CAJ, at its sixty-ninth session, noted that the CAJ-AG, at its eighth session, held in Geneva on October 21 and 25, 2013, had recalled that observers to the CAJ could send comments on relevant matters of the program of the CAJ-AG and that, in cases where written comments were received from observers to the CAJ, the CAJ-AG had agreed to invite those observers to the relevant part of the ninth session of the CAJ-AG, to be held in Geneva on October 14 and 17, 2014, and the Office of the Union would issue the corresponding *ad hoc* invitations (see document CAJ-AG/13/8/10 "Report", paragraph 83, and document CAJ/69/13 "Report" paragraph 21); and

(b) in accordance with the above approach, the following observers to the CAJ had been issued with *ad hoc* invitations to attend the relevant part of the ninth session of the CAJ-AG on the basis of comments submitted in response to Circulars E-14/128 of May 12, 2014, E-14/136 of May 20, 2014, and E-14/143 of May 23, 2014: the Association for Plant Breeding for the Benefit of Society (APBREBES); the

International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIOPORA); CropLife International; and the European Seed Association (ESA). New developments concerning possible *ad hoc* invitations as a result of the receipt of additional comments in response Circular E-14/214 of September 10, 2014, will be reported orally to the CAJ, at its seventieth session, to be held in Geneva on October 13, 2014, and to the CAJ-AG at its ninth session (see document CAJ/70/2 "Development of information materials concerning the UPOV Convention").

5. The above approach was agreed by the CAJ-AG, at its ninth session, under the standard item of the CAJ-AG agenda on the date and program for the next session.

6. The previous arrangements in relation to *ad hoc* invitations to the CAJ-AG, which triggered the change of approach by the CAJ-AG at its ninth session, were as follows (see document CAJ/65/13 "Report", paragraph 24):

"(a) In order to ensure that the CAJ-AG had sufficient time to consider written comments, the CAJ-AG 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;[...]"

7. The above arrangements meant that, if comments were received after the relevant CAJ-AG session, the Office of the Union had to formulate a proposal for consideration by the CAJ-AG by correspondence without guidance from the CAJ-AG.

8. Based on the current arrangements for its ninth session, the CAJ-AG may wish to consider the following approach for *ad hoc* invitations, for observers in the CAJ to attend the relevant part of future sessions of the CAJ-AG:

(a) under the standard item of the CAJ-AG agenda on the date and program for the next session, the CAJ-AG to invite, on an *ad hoc* basis, organizations that have observer status in the CAJ to present their views at the relevant part of the CAJ-AG, as it considers appropriate (see document CAJ/69/13 "Report" paragraph 20);

(b) in deciding to issue *ad hoc* invitations, the CAJ-AG would stipulate if such invitations would be linked to the receipt of written comments on specified documents;

(c) in cases where *ad hoc* invitations are linked to receipt of written comments on specified documents, the CAJ-AG would request that comments be sent, in English, to the Office of the Union at least two weeks prior to the relevant session of the CAJ-AG (see document CAJ/65/13 "Report", paragraph 24 (a)).

9. *The CAJ-AG is invited to consider the approach proposed in paragraph 8 of this document concerning possible arrangements for ad hoc invitations for observers in the CAJ to attend the relevant part of the CAJ-AG.*

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