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UPOV

CAJ/XI/7

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Eleventh Session

Geneva, April 26 and 27, 1983

MINIMUM DISTANCES BETWEEN VARIETIES

RECOMMENDATIONS TO THE CONSULTATIVE COMMITTEE CONCERNING
THE HEARING OF THE INTERNATIONAL PROFESSIONAL ORGANIZATIONS,
ON NOVEMBER 9 AND 10, 1983

Document prepared by the Office of the Union

1. At its sixteenth ordinary session, in October 1982, the Council decided, when adopting the program and budget of the Union for 1983, that the international professional organizations would be heard on November 9 and 10, 1983, on the matter of minimum distances between varieties. At the joint meeting held by the Administrative and Legal Committee and the Technical Committee in November 1982, it was decided that the hearing would concern solely the technical aspects of minimum distances between varieties unless the progress of the work of the Administrative and Legal Committee on the legal aspects made it possible to adopt a different line of conduct (see paragraph 20(ii) of document CAJ/X/8 or paragraph 11(ii) of document TC/XVIII/13 Prov.). As regards the progress of the procedure in respect of the technical aspects of the matter, reference should be made to document CAJ/XI/5.

2. The Administrative and Legal Committee is to make a recommendation to the Consultative Committee as regards adding aspects or certain legal aspects of the matter of minimum distances to the agenda for the hearing. In the event of a positive recommendation, the procedure is to be fixed. The Office of the Union proposes the following as a basis for discussion in view of the phasing of the meetings of the various parties concerned (particularly the fact that two organizations will be holding their Congresses approximately one month after the meeting of the Committee):

(i) Immediately following the session of the Consultative Committee, the Office of the Union would inform the international professional organizations of the new subjects entered on the agenda for the hearing;

(ii) During the month of May, the Office of the Union would send to the organizations a document briefly setting out the problems and the legal situation (provisions of the Convention, solutions adopted in member States or in States chosen as being representative of the various possibilities, etc.);

(iii) The organizations would be requested to make their observations before the end of July and the Office of the Union would make a summary of those comments during August and send it to the representatives of the member States and of the organizations, to enable the representatives of the member States to examine them at the autumn session of the Technical Committee or that of the Consultative Committee;

(iv) The hearing would be based on the document referred to in subparagraph (ii) and on the summary referred to in subparagraph (iii) above.

3. As regards the technical aspects of minimum distances between varieties, the Administrative and Legal Committee is only to make recommendations to the Consultative Committee if it studies the draft document given at Annex I to document CAJ/XI/5. To ensure that the hearing is well prepared, the Office of the Union proposes the following procedure:

(i) If the draft document given at Annex I to document CAJ/XI/5 was to be amended by the Administrative and Legal Committee or the Consultative Committee, the Office of the Union would send to the professional organizations, immediately following the session of the Consultative Committee, the final version of that document. In any event, it would invite them to submit comments if they so wished, before the end of July. The organizations have already been advised of the possibility of submitting comments after the Consultative Committee has drawn up the list of questions to be placed on the agenda for the hearing.

(ii) The Office of the Union would make a summary of those observations and send it to the representatives of the member States and of the organizations during the month of August, enabling the representatives of the member States to study them at the autumn session of the Technical Committee or that of the Consultative Committee;

(iii) The hearing would be based on the document given at Annex I to document CAJ/XI/5 (possibly as amended) and on the summary of observations referred to in subparagraph (ii).

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