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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

**DIPLOMATIC CONFERENCE
ON THE REVISION OF THE INTERNATIONAL CONVENTION
FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

Geneva, October 9 to 23, 1978

PROPOSAL FOR THE AMENDMENT OF ARTICLE 38
AS PROPOSED BY THE DELEGATION OF THE NETHERLANDS

submitted by the Delegation of the United Kingdom

It is proposed that Article 38 be drafted as follows:

- Article 38

"Settlement of disputes"

(1) (no change)

(2) After the words "at the request of all the parties concerned" is added "in accordance with the following procedure."

(a) Each party to the dispute, whether constituted by one or more member States of the Union, shall designate one arbitrator.

These two arbitrators shall propose a Chairman who shall be a national of a State not party to the dispute, and who shall be designated by common agreement by the parties to the dispute. The arbitrators shall be designated within two months and the Chairman within three months from the date of submission to arbitration of the dispute.

If these time limits are not met, and the parties to the dispute have not agreed on another designation procedure, either party to the dispute may request the President of the Council or one of the Vice-Presidents, who shall be a national of a State not party to the dispute, to make the necessary designations.

(b) The arbitrators shall establish their own arbitration procedure.

Decisions shall be taken by a majority of the arbitrators.

The decision of the arbitration tribunal shall be final and binding on the parties to the dispute.

(c) Each member State of the Union party to the dispute shall bear the cost of its representation before the arbitration tribunal as well as the cost of its own arbitrator. The costs of the Chairman of the tribunal and other costs involved in the arbitration shall be shared equally between the member States of the Union parties to the dispute.

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