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UPOV

INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

DIPLOMATIC CONFERENCE FOR THE AMENDMENT OF THE INTERNATIONAL
CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

(Geneva, November 7 to 10, 1972)

RULES OF PROCEDURE

I. Purpose of the Conference

Rule 1. The purpose of the Conference shall be to amend the provisions of the International Convention for the Protection of New Varieties of Plants, signed in Paris on December 2, 1961 (hereinafter referred to as "the Convention"), relating to the annual contributions of member States and, in the event of arrears in payment of such contributions, to the right to vote.

II. Composition of the Conference

Rule 2 - Delegations

(1) Delegations of States being members of the Union for the Protection of New Varieties of Plants (hereinafter referred to as UPOV) may participate in the work of the Conference, with the right to vote.

(2) Delegations of States having signed but not ratified the Convention may participate in the work of the Conference, without the right to vote, and may sign the instrument adopted by the Conference.

(3) Each delegation may consist of delegates, advisors and experts.

Rule 3 - Observers

(1) The following may take part in the Conference in the capacity of observers:

(a) representatives of States, other than those referred to in Rule 2, which are members of the United Nations, or any of the Specialized Agencies brought into relationship with the United Nations;

(b) representatives of the United Nations and the Food and Agriculture Organization of the United Nations.

III. Credentials

Rule 4 - Presentation of credentials

(1) The credentials empowering delegates to participate in the Conference shall be issued by the Head of State, the Head of Government or the Minister for Foreign Affairs. They shall be communicated to the Secretariat of the Conference. The names of advisors and experts attached to delegations and the names of the representatives referred to in Rule 3 shall also be communicated to the Secretariat.

(2) Full powers shall be required for signing the instrument to be adopted by the Conference. Such full powers may be included in the credentials referred to in paragraph (1) above.

Rule 5 - Provisional admission

(1) Any delegation to whose admission an objection has been made shall be seated provisionally with the same rights as other delegations until the Conference has given its decision concerning this objection after hearing the report of the Credentials Committee.

(2) Any delegation which submits credentials not fulfilling the conditions laid down in Rule 4, paragraph (1), may be authorized by the Conference to be seated provisionally with the same rights as other delegations, subject to presenting credentials in proper form subsequently.

IV. Organization of the Conference

Rule 6 - Elections

The Conference shall elect from among the delegations referred to in Rule 2, paragraph (1), its President, two Vice-Presidents and a General Rapporteur.

Rule 7 - Subsidiary bodies

(1) The Conference shall establish a Credentials Committee, a Main Commission, a Bureau and a Drafting Committee.

(2) The Conference and the Main Commission may also establish such working parties as are necessary for the conduct of their work. Each of these bodies shall elect its Chairman and Rapporteur.

Rule 8 - Credentials Committee

The Credentials Committee shall consist of five members elected by the Conference on proposal of the President from among the States specified in Rule 2. At least four of the members shall belong to the delegations mentioned in Rule 2, paragraph (1). The Committee shall elect its own Chairman; it shall examine and report to the Conference without delay on the credentials of delegations; it shall also examine and report on the communications of the names of the representatives referred to in Rule 3.

Rule 9 - Main Commission

The Main Commission, in the work of which all delegations and observers may participate, shall discuss the Draft Additional Act to the Convention for the Protection of New Varieties of Plants and shall prepare a final draft for submission to the Conference at a plenary meeting. The President and the General Rapporteur of the Conference shall act as Chairman and Rapporteur respectively of the Main Commission.

Rule 10 - Bureau

The Bureau shall consist of the President, Vice-Presidents and General Rapporteur of the Conference and the Chairman of the Credentials Committee. Its function is to coordinate the work of the Conference and of its subsidiary bodies and to fix the date, hour and order of business of the meetings.

Rule 11 - Drafting Committee

The Drafting Committee shall consist of five members elected by the Conference on the proposal of the President from among the States specified in Rule 2. At least four of the members shall belong to the delegations mentioned in Rule 2, paragraph (1). The Committee shall elect its Chairman and Vice-chairman; it is responsible for drawing up the final draft referred to in Rule 9.

Rule 12 - Duties of the President

(1) The President shall open and close each plenary meeting of the Conference. He shall direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order and, subject to the present Rules, shall control the proceedings and the maintenance of order.

(2) The Chairmen and Vice-Chairmen of the subsidiary bodies of the Conference shall have the same duties with regard to the bodies over which they are called to preside.

Rule 13 - Acting President

If the President finds it necessary to be absent during a meeting or any part thereof, the Vice-President designated by him shall replace him as Acting President. A Vice-President sitting as President shall have the same powers and responsibilities as the President.

Rule 14 - The President shall not vote

The President, or Vice-President acting temporarily as President, shall not vote, but may designate a member of his delegation to vote in his place.

V. Conduct of Business

Rule 15 - Public meetings

All plenary meetings of the Conference and the meetings of the Main Commission shall, unless the body concerned decides otherwise, be open to the public.

Rule 16 - Quorum

(1) At plenary meetings of the Conference, half of the member States of UPOV shall constitute a quorum.

(2) A quorum is not required for the subsidiary bodies of the Conference.

(3) The Conference cannot deliberate in plenary session without the quorum defined in paragraph (1) above.

Rule 17 - Order and time-limit of speeches

(1) Subject to the provisions of paragraph 2 of this Rule, the President shall call upon speakers in the order in which they signify their wish to speak.

(2) The Chairman or the Rapporteur of a subsidiary body of the Conference may be accorded precedence for the purpose of explaining the conclusions reached by the body of which he is the Chairman or the Rapporteur.

(3) To facilitate the conduct of business the President may limit the time to be allowed to each speaker.

Rule 18 - Points of Order

During a discussion, any delegation may rise to a point of order and such point of order shall be immediately decided by the President. An appeal may be made against the ruling of the President. Such appeal shall be put to vote immediately, and the President's ruling shall stand unless it is overruled by a majority of the delegations present and voting.

Rule 19 - Suspension, adjournment and closure

(1) In the course of a discussion, any of the delegations referred to in Rule 2, paragraph (1), may move the suspension or adjournment of the meeting, or the adjournment or closure of the debate.

(2) Such motions shall be immediately put to the vote. Subject to the provisions of Rule 18, the following motions shall have precedence in the following order over all other proposals or motions:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the debate on the item under discussion;
- (d) for the closure of the debate on the item under discussion.

Rule 20 - Resolutions and amendments

(1) Draft amendments or resolutions shall be transmitted in writing to the Secretariat of the Conference which shall circulate copies to delegations. As a general rule no amendment or resolution shall be discussed in the plenary meeting of the Conference or in the Main Commission or put to the vote unless it has been circulated sufficiently in advance to all delegations in the working languages.

(2) A motion may be withdrawn by the delegation which has proposed it at any time before voting on it has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any delegation.

Rule 21 - Reconsideration of proposals adopted or rejected

When a proposal has been adopted or rejected, it may not be reconsidered in a plenary meeting of the Conference or in a meeting of the Main Commission unless so decided by a two-thirds majority of the delegations present and voting in that meeting. Permission to speak on a motion to reconsider shall be accorded only to one speaker supporting the motion and to two speakers opposing it, after which it shall be immediately put to the vote.

VI. Voting

Rule 22 - Voting Rights

Each delegation referred to in Rule 2, paragraph (1), shall have one vote in the Conference and in each of the subsidiary bodies on which it is represented.

Rule 23 - Majority required

(1) In plenary meetings, the decisions of the Conference shall be taken by a five-sixths majority of the member States of UPOV represented at the Conference, except in the cases specified in Rules 21 and 33(2) and in the cases of Rules 5, 6, 7, 8, 11, 15, 18, 19, 26(2), 27 and 33(1), where a simple majority of the delegations present and voting is sufficient. At the meetings of all other bodies of the Conference, decisions shall be taken by a simple majority of the delegations present and voting.

(2) For the purpose of the present Rules, the expression "delegations present and voting" means delegations casting an affirmative or negative vote. Delegations abstaining from voting shall be considered as not voting.

Rule 24 - Method of voting

(1) Voting shall normally be by show of hands.

(2) Vote by roll-call shall be taken if it is requested by not less than two delegations. The request shall be made to the Chairman of the meeting before voting takes place or immediately after a vote by show of hands. The Chairman

may also take a second vote by roll-call when the result of a vote by show of hands is in doubt. The names of States having the right to vote shall be called in French alphabetical order, beginning with the delegation the name of which has been drawn by lot by the Chairman. When a vote is taken by roll-call, the vote of each delegation participating shall be recorded in the summary record of the meeting.

(3) Only proposals or amendments submitted by a delegation referred to in Rule 2, paragraph (1), and supported by at least one other such delegation shall be put to the vote.

Rule 25 - Procedure during voting

Once the Chairman has announced the beginning of voting, it may not be interrupted except by raising a point of order on the voting procedure. The Chairman may allow delegations to explain their votes either before or after voting.

Rule 26 - Voting on proposals

(1) When two or more proposals refer to the same question, the body concerned, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

(2) After each vote, the body concerned may decide whether to vote on the following proposal.

Rule 27 - Division of proposals and amendments

Any delegation may propose that a separate vote be taken on parts of a proposal or of any amendment thereto. When an objection is raised to the motion for a separate vote, the motion shall be put to the vote. Permission to speak on a motion for a separate vote shall be accorded only to one speaker supporting the motion and two speakers opposing it. If the motion for a separate vote is accepted, the different parts of the proposal or amendment shall be put to the vote separately, after which those parts which have been approved shall be put to a final vote in their entirety. If all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall also be considered to have been rejected as a whole.

Rule 28 - Voting on amendments

When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, a vote shall first be taken on the amendment deemed by the Chairman to be furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on. If however the adoption of any amendment necessarily implies the rejection of another amendment or of the original proposal, the latter amendment or the proposal shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 29 - Equally divided votes

Subject to Rule 23, if a vote is equally divided, in voting not concerned with elections, the proposal or amendment shall be considered lost; in voting concerned with elections balloting shall continue until a decision is reached.

VII. Working Languages

Rule 30 - Working Languages

(1) French, English and German are the working languages of the Conference.

(2) Speakers are free, however, to speak in any other language, provided that they make their own arrangements for the interpretation of their speeches into one of the working languages.

VIII. Secretariat of the Conference

Rule 31 - Secretariat

(1) The Secretariat of the Conference shall be provided by the Secretary General of UPOV.

(2) The Secretary General of UPOV shall appoint the Secretary General of the Conference and the other officers of the Secretariat of the Conference from among the staff of the Organization.

Rule 32 - Duties of the Secretariat

(1) It shall be the duty of the Secretariat to receive, translate and distribute documents, reports and resolutions, to provide for the interpretation of speeches made at the meetings, to prepare the records of the Conference and to perform all other work necessary for the smooth functioning of the Conference.

(2) The Secretary General of UPOV or his representative as well as any other member of the Secretariat of the Conference may make statements, either written or oral, concerning any matter under consideration by the Conference.

IX. Amendments to the Rules of Procedure

Rule 33

(1) The present Rules shall be adopted by a simple majority.

(2) The present Rules may be amended by a two-thirds majority.

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