

[EN] [FR, DE, ES to follow]

UPOV Circular E-20/093

July 9, 2020

Subject: ToR for WG-EDV and expressions of interest, EDV issues and practices

To: members of the Union and observers in the CAJ

Madam,
Sir,

On the basis of the outcome of the 2019 Seminar on the Impact of Policy on Essentially Derived Varieties (EDVs) on Breeding Strategy, the Administrative and Legal Committee (CAJ), at its seventy-sixth session, held in Geneva on October 30, 2019, agreed to open up the "Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention" (document UPOV/EXN/EDV/2) for revision.

As a first step, it was agreed the Office of the Union would:

(a) invite members and observers to make contributions by correspondence on policy issues;

(b) invite breeders to provide information on customs and practices on EDV; and

(c) based on the replies to (a) and (b), prepare a preliminary analysis on the EDVs issues and practices and draft terms of references for a working group on EDV, for comments by the CAJ by correspondence.

On the basis above, the Office of the Union would prepare a document for the consideration of the CAJ (see document CAJ/76/9 "Report", paragraphs 11 to 13).

The background to this matter is provided in Annex I to this Circular.

The Office of the Union sent Circulars E-19/232 and E-19/233 of December 23, 2019, inviting members and observers to make contributions by correspondence on policy issues and inviting breeders to provide information on customs and practices on EDV. The following members and observers sent contributions: European Union, Germany, Japan, Russian Federation, South Africa, Sweden, African Seed Trade Association (AFSTA), Asia and Pacific Seed Association (APSA), Crop Life International (CLI), Euroseeds, International Association of Horticultural Producers (AIPH), International Community of Breeders of Asexually Reproduced Horticultural Plants (CIOPORA), International Seed Federation (ISF), and Seed Association of the Americas (SAA). The contributions by members of the Union and observers in reply to Circulars E-19/232 and E-19/233 are available at <https://www.upov.int/meetings/en/pages/caj77/contributions.html>.

The purpose of this Circular is to invite the CAJ to:

(a) comment on the draft terms of reference for a working group on EDV (WG-EDV) presented in Annex II of this Circular;

(b) comment on the preliminary analysis of the EDV issues and practices in Annex III of this Circular, prepared on the basis of the contributions by members of the Union and observers in reply to Circulars E-19/232 and E-19/233 of December 23, 2019;

(c) invite members of the Union and observers to the CAJ to express their interest to be a member of the WG-EDV.

Please send your comments (on (a) and (b) above) and expressions of interest (on (c) above), **by August 8, 2020**, to the Office of the Union (upov.mail@upov.int).

According to the replies to this Circular, the Office of the Union will prepare a document with proposals for consideration by the CAJ. Those proposals will include the invitation to the CAJ to establish the WG-EDV, to approve the terms of reference and the composition of the WG-EDV and a tentative date for the first meeting of the WG-EDV.

Yours sincerely,

Peter Button
Vice Secretary-General