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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

GENEVA

**COUNCIL****Thirty-Eighth Ordinary Session  
Geneva, October 21, 2004****REPORT***adopted by the Council*Introduction

\*1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirty-eighth ordinary session in Geneva on October 21, 2004, chaired by Miss Enriqueta Molina Macías (Mexico), President of the Council.

2. The list of participants is reproduced in Annex I to this document.

3. The President informed the Council that Dr. Arpad Bogsch, the former Secretary-General of UPOV, passed away on September 19, 2004. The Council paid tribute to Dr. Bogsch's important contribution to the work of UPOV during his mandate as Secretary-General from 1973 to 1997, by observing a minute of silence.

\*4. The President extended a warm welcome to the Delegation of Singapore, a State which had become a member of UPOV on July 30, 2004, and to the Delegations of Jordan and of Uzbekistan, States which would become members of UPOV on October 24, 2004, and on November 14, 2004, respectively.

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\* An asterisk next to the paragraph number indicates that the text has been taken from the Record of the Decisions (document C/38/15).

5. The Delegations of Singapore, Jordan and Uzbekistan expressed their gratitude to the Union for the assistance provided to their countries in the procedure of accession to the UPOV Convention. The statements made by the Delegations of Singapore, Jordan and Uzbekistan are reproduced in Annexes II, III and IV, respectively.

6. The President informed the Council that the 1991 Act of the UPOV Convention entered into force with respect to Austria on July 1, 2004.

#### Adoption of the Agenda

\*7. The Council adopted the draft agenda, as proposed in document C/38/1, after having deleted item 5 “Examination of the conformity of the legislation or proposed legislation of any State or organization having submitted a request under Article 34(3) of the 1991 Act of the UPOV Convention”.

#### Examination of the Conformity of the Plant Breeder’s Right Bill of the Republic of Mauritius with the 1991 Act of the UPOV Convention

##### *Republic of Mauritius*

\*8. Discussions were based on document C/38/13.

9. The Delegation of Mauritius thanked the Council for examining the Bill. The Delegation hoped that it would receive a positive reply from the Council and looked forward to working with UPOV for the benefit of the breeding community of the Republic of Mauritius.

\*10. The Council decided to

(a) take note of the information given in document C/38/13;

(b) take a positive decision on the conformity of the Plant Breeder’s Right Bill of the Republic of Mauritius with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, in accordance with Article 34(3) of that Act, which allows the Republic of Mauritius to deposit its instrument of accession once the Bill is enacted and in force;

(c) authorize the Secretary-General to inform the Government of Mauritius of that decision.

#### Examination of the Conformity of the Law on the Protection of Breeder’s Rights for New Plant Varieties of the Republic of Turkey with the 1991 Act of the UPOV Convention

##### *Republic of Turkey*

\*11. Discussions were based on document C/38/14.

12. The Delegation of Turkey welcomed the analysis of the Law on the Protection of the Breeder's Rights for New Plant Varieties which had been adopted with the aim of promoting sustainable agriculture and agricultural production, food security and the protection of genetic diversity and the environment, while protecting the rights of breeders and, in particular, their intellectual property rights. The Delegation expressed the intention of the Republic of Turkey to deposit its instrument of accession after a positive decision has been taken by the Council.

\*13. The Council decided to

- (a) take note of the information given in document C/38/14;
- (b) take a positive decision on the conformity of Law No. 5042 of the Republic of Turkey with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, in accordance with Article 34(3) of that Act, which allows the Republic of Turkey to deposit its instrument of accession;
- (c) authorize the Secretary-General to inform the Government of Turkey of that decision.

Report by the President on the Work of the Sixty-Seventh and Sixty-Eighth Sessions of the Consultative Committee; Adoption of Recommendations, if Any, Prepared by That Committee

14. The Council noted the report by the President and the oral intervention made by the representative of the Food and Agriculture Organization of the United Nations (FAO). The intervention of the representative of the FAO is reproduced in Annex V to this document. No decision was called for under this agenda item.

Annual Report of the Secretary-General for 2003; Supplementary Report on Activities During the First Nine Months of 2004

\*15. The Council approved the report of the Secretary-General on the activities of the Union in 2003, given in document C/38/2, and noted the report on activities during the first nine months of 2004, given in document C/38/3.

\*16. The Council expressed appreciation to the Office of the Union for the work it had carried out, and also to the World Intellectual Property Organization (WIPO) for the assistance it provided.

Financial Situation of the International Union for the Protection of New Varieties of Plants as at December 31, 2003; Report on the Auditing of the Accounts for the 2002-2003 Biennium

\*17. The Council approved the accounts for the 2002-2003 financial period and noted the report of the auditor on the accounts of the 2002-2003 biennium, contained in document C/38/4, Annex B, and expressed its gratitude to the Government of Switzerland for its cooperation in this matter.

18. The Delegation of Ukraine informed the Council that, on April 28, 2004, Ukraine paid its arrears corresponding to the period 2004-2005.

#### Report on Long-Term Financial Issues of the Union

19. The Council noted the contents of document C/38/12. The Vice Secretary-General informed the Council of the establishment of a Consultative Group on Long-term Financial Issues which had the task of examining possibilities to further consolidate, on a long-term basis, the financial situation of UPOV. The Consultative Group met in March 2004, and some ideas were developed on objective parameters which might be useful for countries when considering the number of contribution units. On that basis, a document was established and presented to the Consultative Committee which had met on October 20, 2004. It was agreed that a new document reflecting the discussion in the Consultative Committee should be prepared by the Consultative Group, for the seventieth session of the Consultative Committee in October 2005.

#### Progress of the Work of the Administrative and Legal Committee

20. The Council noted the work of the forty-ninth session of the Administrative and Legal Committee (CAJ), as described in document C/38/9.

21. The Chairperson of the CAJ informed the Council that discussions at the fiftieth session of the CAJ had focussed on: "Draft recommendations concerning information, documents or material furnished for examination purposes" and "Draft explanatory notes on Article 15(1)(i) and (2) of the UPOV Convention: Acts done privately and for non-commercial purposes and provisions on farm-saved seed".

#### Progress Report of the Work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

\*22. The Council noted the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular, as provided in documents C/38/10 and C/38/10 Add., and approved the programs of work set out in those documents.

23. The Council noted the oral report of the Vice Secretary-General on the signing of the Memorandum of Understanding by the Secretary-General of UPOV, Dr. Kamil Idris, and the President of the Community Plant Variety Office (CPVO), Mr. Bart Kiewiet, which took place at the UPOV headquarters on October 21, 2004. The Memorandum of Understanding concerns the cooperation for the development and maintenance of a web-based UPOV Plant Variety Database and the CPVO Centralized Database of Variety Denominations.

24. The Vice Secretary-General highlighted some of the key aspects of the Memorandum of Understanding:

*(a) Database Software*

In the first instance, CPVO would provide UPOV (“the Parties”) with its proposed database model and data dictionary. In the second instance, UPOV would offer initial comments and suggestions with regard to compatibility of the software for the UPOV database. Subsequent collaboration between the Parties in any refinement to the CPVO proposal would take the form of meetings and/or exchange of correspondence as considered appropriate by the Parties. Following this process, CPVO would develop its database software. The database software that CPVO decides to use and release (the “CPVO software”) would, subject to certain conditions, be offered to UPOV free of charge. CPVO would inform UPOV of subsequent updates of the CPVO software. UPOV would advise CPVO on whether it wishes to use the CPVO software or whether it will develop its own software (the “UPOV software”). If UPOV decided to develop its own software, it would provide CPVO with its proposed database model and data dictionary in order to seek comments and suggestions with regard to compatibility of the software for the CPVO database.

*(b) Maintenance of Data*

The responsibility for providing data would be as follows:

(i) subject to the agreement of the countries and owners of other registers concerned, CPVO was to be responsible for variety denomination data for all official registers kept by authorities of the Member States of the European Union, official registers kept by authorities of the European Economic Area (EEA) and Switzerland, the European Union Common Catalogues and other relevant registers, such as the Dutch database PLANTSCOPE;

(ii) UPOV was to be responsible for variety denomination data for all official registers kept by authorities of members of the Union which were not mentioned in (i). UPOV was also to be responsible for data from international organizations (e.g. Organisation for Economic Co-operation and Development (OECD)); and

(iii) for other data, to be agreed by the Parties on a case-by case basis.

*(c) Use of Data by UPOV and CPVO*

UPOV would retain the possibility of charging parties other than UPOV members and contributors to the database (“third party users”) for the use of any future database. The use of the CPVO database would be restricted to checking variety denominations for compliance with the requirements of the Community Plant Variety Rights (CPVR) system. In the first instance, use would be confined to contributors of data, comprising CPVO, national authorities and other data providers (e.g. PLANTSCOPE). However, it was possible that, in future, other parties, including breeders, would be granted use of the database. CPVO would retain the possibility of providing the database not only to contributors to the database but also to third party users, free of charge.

*(d) Access to Raw Data for Third Parties*

The UPOV policy was that raw data would be available to members of the Union and contributors of data, but would not be available to other parties. The CPVO policy was that raw data would be available to the relevant authorities of the Member States of the European Union and other organizations contributing data, but would not be available to other parties.

*(e) Creation of UPOV Codes for “New” Species in the Database*

UPOV was responsible for the creation and maintenance of UPOV codes and would develop a procedure for the introduction and maintenance of codes in a timely way.

25. The Vice Secretary-General reported that the Secretary-General of UPOV stated, during the signatory ceremony, that the Memorandum of Understanding marked a milestone in cooperation and the effective use of resources.

26. In reply to a request from the representative of the Organisation for Economic Co-operation and Development (OECD), the Vice Secretary-General said that the Memorandum of Understanding would not be published, however the Memorandum of Understanding would be available to members of the Union.

27. The representative of the European Community welcomed the initiative on cooperation between UPOV and CPVO. Signing the Memorandum of Understanding constituted an important step in the productive and fruitful cooperation between both organizations as its main objective was to avoid overlaps and duplication of work in the development of the CPVO and UPOV databases.

28. The Delegation of the United States of America expressed its gratitude for the cooperation between UPOV and CPVO and questioned whether the Memorandum of Understanding would allow for the amendment of the software in the future. The Technical Director confirmed that the Memorandum of Understanding would not restrict UPOV in the development of software and that the main objective was to share mutual developments in order to ensure the compatibility of both databases.

29. In reply to a question by the representative of the OECD, the Vice Secretary-General confirmed that the Memorandum of Understanding did not modify in any way the information currently submitted by the OECD. The representative of the European Community expressed its intention to continue to include the list of the OECD in the CPVO database.

30. The Delegation of Argentina welcomed the cooperation and encouraged the introduction of simplified means for submitting data to the UPOV database as planned.

31. The representative of the International Seed Federation (ISF) said that both ISF and the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), expressed their appreciation for the development of both databases and requested clarification on who would have access to the databases. In reply to that question, the Technical Director confirmed that, with regard to the UPOV Plant Variety Database, there would be no change to the availability of data through the UPOV-ROM.

### Calendar of Meetings in 2005

\*32. The Council approved the calendar of meetings in 2005, as presented in document C/38/8.

### Election of the New Chairpersons and the New Vice-Chairpersons

\*33. The Council elected, in each case for a term of three years ending with the forty-first ordinary session of the Council, in 2007:

(a) Mr. Krieno Fikkert (Netherlands), Chairman of the Administrative and Legal Committee;

(b) Mrs. Carmen Gianni (Argentina), Vice-Chairperson of the Administrative and Legal Committee;

(c) Ms. Julia Borys (Poland), Chairperson of the Technical Committee, and

(d) Mrs. Françoise Blouet (France), Vice-Chairperson of the Technical Committee.

\*34. The Council expressed its appreciation to the outgoing Chairpersons, Ms. Nicole Bustin (France), Chairperson of the Administrative and Legal Committee, and Mr. Michael Camlin (United Kingdom), Chairman of the Technical Committee, for the work carried out during their term.

### Situation in the Legislative, Administrative and Technical Fields

\*35. The Council noted documents C/38/5, C/38/6, C/38/7 and C/38/11, and no decisions were called for under this agenda item.

36. The Delegation of Austria informed the Council of the accession procedure to the 1991 Act of the UPOV Convention which started in 2001, when Austria amended its legislation on new plant varieties of 1991. The Delegation expressed its gratitude to the Vice Secretary-General of UPOV for the assistance provided in the legislative and accession procedures, which culminated with the deposit of the instrument of accession on June 1, 2004. As announced by the President, the 1991 Act entered into force on July 1, 2004. The Delegation referred to the fact that, although there was no significant increase of protected varieties at the national level, there was a considerable number of new plant varieties protected at the European Community level with consequential benefit for Austrian breeders.

37. The Delegation of the United States of America informed the Council on the situation regarding plant patents and the practice of the United States Patents and Trademark Office on the consideration of plant breeders' certificates and related sale overseas as prior art in the context of the examination of plant patent applications. There was no change in status within the United States of America other than that the Board of Patent Appeals and Interferences affirmed three cases of rejection by the patent examiners. It was noted that those applicants

could appeal the decisions of the Board to the Federal Circuit. The Delegation very much doubted that the Supreme Court would take the matter up as *certiorari*. At present, a legislative change on the issue was not expected.

38. *The present report has been adopted by correspondence.*

[Annex I follows]



ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /  
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des États/in the alphabetical order of the names in French of the States/in alphabetischer Reihenfolge der französischen Namen der Staaten/  
por orden alfabético de los nombres en francés de los Estados)

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[L'annexe II suit/  
Annex II follows/  
Anlage II folgt/  
Sigue el Anexo II]

ANNEX II

DECLARATION BY THE REPUBLIC OF SINGAPORE

Madam President,  
Ladies and Gentlemen,

Singapore is very pleased to become a member of UPOV. On behalf of the Government of the Republic of Singapore and of the Intellectual Property Office of Singapore, I would like to express our appreciation for the warm welcome extended by our dear friends and colleagues of the Union.

On October 23, 2003, Singapore's draft Plant Varieties Protection Bill was given a positive decision with regard to its conformity with the 1991 Act of the UPOV Convention by the Council of UPOV. The Plant Varieties Protection Act of Singapore was passed by the Singapore Parliament on June 15, 2004, and published in the Government Gazette on June 25, 2004. The Act came into force on July 1, 2004.

On June 30, 2004, Singapore deposited its instrument of accession to the UPOV Convention (1991 Act). On July 30, 2004, Singapore became the fifty-fifth member of UPOV.

In Singapore, the Plant Varieties Protection (PVP) regime falls under the purview and responsibility of the Intellectual Property Office of Singapore (IPOS). IPOS, being the national intellectual property authority in Singapore, has the appropriate legal expertise and institutional framework to administer the grant of PVP rights.

The Agri-food and Veterinary Authority of Singapore (AVA) is the prescribed examination authority which carries out DUS testing in Singapore under the Plant Varieties Protection Act 2004. As of today, protection is available in Singapore for 15 genera and species.

We are grateful for the assistance and friendship extended by the Office of the Union in our accession procedure to the UPOV Convention.

I would also like to thank the experts from those members of the Union who have shared their information and experience with Singapore.

Thank you.

[Annex III follows]

ANNEX III

DECLARATION BY THE HASHEMITE KINGDOM OF JORDAN

Madam President,  
Distinguished Representatives,  
Ladies and Gentlemen,

It is my pleasure to be here today among you, representing the Government of the Hashemite Kingdom of Jordan, as a new member of the UPOV family.

Jordan is very pleased to become a member of UPOV and appreciates the warm welcome into the Union. Jordan looks forward to working with all members to promote the purposes and objectives of the Convention (1991 Act).

The Law for the Protection of New Varieties of Plants of the Hashemite Kingdom of Jordan entered into force on August 2, 2000. On October 23, 2003, the Council of UPOV took a positive decision on the conformity of the Law for the Protection of New Varieties of Plants with the 1991 Act of the UPOV Convention.

On September 24, 2004, Jordan deposited its instrument of accession to the UPOV Convention (1991 Act). On October 24, 2004, Jordan will become the fifty-sixth member of UPOV.

Plant breeders' rights in Jordan fall under the responsibility of the Technical Committee of the Ministry of Agriculture. This Committee has the appropriate legal and institutional framework for the protection of plant breeders' rights. Its staff received adequate training in Jordan and abroad in the field of plant breeders' rights.

Jordan cooperates in DUS testing with several institutions including the USAID and others for whose assistance we are very appreciative. As of today, protection is available in Jordan for twenty genera and species.

Finally, I would like to express our gratitude and recognition for the assistance we received from the Office of the Union during Jordan's accession process to the UPOV Convention.

Thank you, Madam President.

[Annex IV follows]



ANNEX IV

DECLARATION BY THE REPUBLIC OF UZBEKISTAN

Madam President,  
Ladies and Gentlemen,

On behalf of the Government of the Republic of Uzbekistan, on behalf of the Ministry of Agriculture and Water Management, Uzbekistan appreciates the warm welcome into the UPOV family. We are very honored to be a member of UPOV.

On October 14, 2004, Uzbekistan deposited its instrument of accession to the UPOV Convention (1991 Act). On November 14, 2004, Uzbekistan will become the fifty-seventh member of UPOV.

The Law of the Republic of Uzbekistan on Selection Achievements was adopted on August 30, 2002. On October 23, 2003, the Council of UPOV took a positive decision on the conformity of the Law with the 1991 Act of the UPOV Convention.

Plant breeders' rights in Uzbekistan fall under the responsibility of the State Patent Office of the Republic of Uzbekistan. That Office has the appropriate legal and institutional framework for the grant of protection of plant breeders' rights. The staff received excellent training during the Seminar on "The nature and basic principles of the protection of plant breeders' rights under the UPOV Convention", organized by UPOV in 1996, and the National Seminar on "Protection of species and plant breeders' rights in the framework of the UPOV Convention", which was held in 2002.

Uzbekistan cooperates in DUS testing with the CIS countries. As of today, protection is available in Uzbekistan for 41 genera and species.

I would like to extend our gratitude for the assistance rendered by the Office of the Union in the accession procedure of Uzbekistan to the UPOV Convention.

I would like also to convey thanks to the experts of the Union Mr. Rolf Jördens, Vice Secretary-General, Mr. V. Derbenskiy, and other authorities of members of the Union for their help and cooperation.

Thank you.

[Annex V follows]

ANNEX V

INTERVENTION BY THE REPRESENTATIVE OF THE  
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

Chairperson,  
Ladies and Gentlemen,

It is a pleasure to be here and to be able to address you on behalf of FAO and address you on the International Treaty on Plant Genetic Resources for Food and Agriculture, which entered into force on June 29, 2004. Ratification of the Treaty continues apace: when leaving Rome, 60 States and the European Union had ratified the Treaty.

Since the 1950s, FAO has provided a forum for the development of common international action on plant genetic resources for food and agriculture. By the early 1980s, tensions had appeared between developed and developing countries, which began to feel that, although they were the origin of most of these resources, there was an imbalance in the sharing of the benefits of their use. To find common ground, the 1983 FAO Conference adopted a voluntary international instrument to address the conservation and sustainable utilization of these resources, and access and benefit-sharing. This was the International Undertaking on Plant Genetic Resources, the precursor of the International Treaty.

As many here are aware, a political process to negotiate an agreed interpretation of the International Undertaking was necessary to attempt to calm these tensions. This made specific reference to UPOV. By 1991, the International Undertaking had recognized three things: national sovereignty over plant genetic resources; the compatibility of plant breeders' rights, such as the UPOV system; and farmers' rights, that is, recognition of the contribution made by generations of farmers around the world, and the need to create incentives to support the continuation of farmers' contributions. The International Undertaking also provided the current framework in which the crucial *ex situ* collections of plant genetic resources, kept by the Consultative Group on International Agricultural Research, are held in trust for the international community, and made freely available to plant breeders.

The management of agricultural biodiversity was complicated by the adoption of the Convention on Biological Diversity in 1992. The CBD recognizes that the authority to determine access to genetic resources rests with the national governments and is subject to national legislation. "Access", where granted, "shall be on mutually agreed terms" and "subject to prior informed consent ... unless otherwise determined". In practice, this has led to many contractual case-by case access and benefit-sharing agreements, on the model of bioprospecting for pharmaceuticals. Such procedures are of doubtful applicability in plant breeding, where a variety draws on many prior varieties, each in itself the product of prior crossings. The CBD has, in fact, itself recognized "the special nature of agricultural biodiversity, its distinctive features, and problems needing distinctive solutions", and the International Treaty is intended to provide such solutions, in harmony with the CBD.

I shall not describe the Treaty in detail here, but comment on two matters of interest to UPOV and its members: Farmers' Rights, and the Multilateral System of Access and Benefit-sharing.

For the first time in a binding international agreement, Farmer's Rights are recognized, on the basis of "the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world". The responsibility for realizing Farmers' Rights rests with national governments. In accordance with their needs and priorities, each government should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights in various ways, among others: by protecting relevant traditional knowledge; by making provision for farmers to participate equitably in sharing benefits; and by ensuring that farmers participate in national decision-making about plant genetic resources. Let me emphasize that farmers' rights are not an intellectual property right, nor do they derive from individual exchanges of genetic material, or establish any system of protection of varieties, be they traditional or the result of modern breeding.

The Multilateral System of Access and Benefit-sharing in the Treaty aims to facilitate access by breeders and researchers to plant genetic resources for food and agriculture, and to share, in a fair and equitable way, the benefits arising from their use. It covers a list of 64 crops established according to criteria of food security and interdependence. These crops provide about 80% of the food we derive from plants. Governments will bring into the Multilateral System all such resources that are under their management and control and in the public domain. The resources held by the Consultative Group on International Agricultural Research will also be brought in.

The Multilateral System is built around the concept that its materials should be freely usable for plant breeding. The Treaty stipulates that recipients cannot claim "intellectual property or other rights that limit the facilitated access to the plant genetic resources for food and agriculture, or their genetic parts or components, in the form received from the Multilateral System". It also recognizes that access to material under development (including by farmers and other plant breeders) will be at the developer's discretion. Access to plant genetic resources for food and agriculture protected by intellectual and other property rights will be subject to the relevant national and international rules. The Treaty's terms of access are fully compatible with the provisions of the Convention on Biological Diversity (CBD).

Because these plant genetic resources are treated as a pooled good, there is no individual owner with whom individual contracts for access and benefit-sharing must be negotiated. As such, benefits resulting from their use do not go back to the provider, but must be shared in multilateral ways to support projects, program and activities, largely in developing countries, under the guidance of the Treaty's Governing Body.

There are specific and innovative provisions for monetary benefit-sharing. "A recipient who commercializes a product that is a plant genetic resource for food and agriculture and that incorporates material accessed from the Multilateral System, shall pay [...] an equitable share of the benefits arising from the commercialization of that product, except whenever such a product is available without restriction to others for further research and breeding, in which case the recipient who commercializes shall be encouraged to make such payment". I draw your attention to the facts that the trigger for monetary benefit-sharing is not intellectual property rights, but commercialization, in ways that prevent others using the materials for further research and breeding. The Treaty is neutral as to intellectual property rights (be they patents or PVP), but not to situations where breeding materials are not made available for further breeding, that is, where they are abstracted from the pooled good.

The Treaty is intended to be mutually supportive of all relevant international instruments. Clearly, the concept of availability without restriction to others for further research and breeding under the Multilateral System co-exists with the Breeders' Exemption under the UPOV system. In both cases, the aim of the provisions is to improve the effective use of plant genetic resources in agriculture, for sustainable agriculture and food security.

The Treaty is now at the crucial stage of the preparation of the first meeting of the Governing Body. We have recently held a successful meeting of the Expert Group on the terms of the Standard Material Transfer Agreement, which will accompany every transaction of plant genetic resources exchanged within the Multilateral System. The Governing Body must adopt the standard Material Transfer Agreement in order to implement the Multilateral System. I should like to note that the Interim Committee for the Treaty invited only three organizations to be present, because of their obvious interest in the matters under discussion: the Consultative Group on International Agricultural Research (CGIAR), World Intellectual Property Organization (WIPO) and UPOV. We actually had the privilege to have UPOV's Vice Secretary-General, Rolf Jördens, participating in the meeting.

We are convinced of the importance of cooperation among the Treaty, FAO, and UPOV, in a spirit of mutual respect for each organization's competences and mandate. The Interim Committee for the Treaty will hold its second meeting from November 15 to 19, 2004, and UPOV is, of course, invited to attend. We hope that UPOV will move swiftly to look for practical ways of cooperation and coordination with the Treaty, at this critical moment when a major new international instrument of direct relevance to plant breeding is establishing its work program and implementation structures.

In FAO, the Treaty has also given a new impetus to the management and development of the seed sector at the national and regional levels within the framework of the *Leipzig Global Plan of Action for the Conservation and Sustainable use of Plant Genetic Resources for Food and Agriculture*, which was adopted by 160 member countries in 1994 and now is an integral supporting component of the Treaty. A well established seed sector is vital for conservation and sustainable use of plant genetic resources. Currently, we are involved in a process promoting harmonization of seed rules and regulations, including through capacity-building, stakeholder dialogue and the development of information systems. It is expected that the outcomes of this process will lead to greater uniformity in seed certification standards and accreditation of activities; regional variety release and catalogues; quarantine pest lists; and an enabling environment for access to and development of seed markets and enterprises. In these tasks, too, FAO counts on deepening our cooperation with UPOV.

[End of Annex V and of document]