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UPOV

C/VIII/17

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Eighth Ordinary Session
Geneva, October 24 to 26, 1974

REPORT

adopted by the CouncilOpening of the Session

1. The eighth ordinary session of the Council of UPOV (hereinafter referred to as "the Council") was held in Geneva at the headquarters of UPOV from October 24 to 26, 1974. The list of participants is annexed to this report.
2. The session was opened by Professor L. Pielen, Chairman of the Council, who welcomed the participants.

Admission of Any New Observers

3. The Chairman recalled that Kenya had already been invited to the last Council meeting but because of the short notice had not been in a position to participate. The Council approved the participation of Kenya in the Council meetings as observer.

Adoption of the Agenda

4. After it had been decided that document UPOV/C/VIII/14 would be discussed under item 15, the agenda was approved as appearing in document C/VIII/1.

Short Report by the Chairman on the Results of the Eighth, Ninth and Tenth Sessions of the Consultative Working Committee

5. The Chairman reported that the main task of the Consultative Working Committee during its eighth session (December 1973) had been to interview the candidates for the post of Vice Secretary-General and recalled that Dr. Mast had then been appointed to that post.
6. During its ninth session (April 1974), the Consultative Working Committee mainly discussed the possibility of centralizing the examination required in connection with the application for protection in the UPOV member States (United Kingdom proposal) and possible items for a revision of the Convention (increased flexibility of the list of species annexed to the Convention; a possible change of the periods of two

times four years which are granted to a breeder in connection with an application for protection; the proposal to have two systems covered by the Convention, one with a field examination and the other without it; problems in connection with Article 13), as well as the preparation of the meeting of member and non-member States held from October 21 to 23, 1974.

7. During the first part of its ninth session (October 1974), the Consultative Working Committee discussed the results of the meeting of member and non-member States, a document on the reports of the member States on their experience with the application of Article 13 and the Guidelines for Variety Denominations, the possibility of the participation of non-member States in the work of the Technical Working Parties, staff matters, and the establishment of a Committee of Experts on Centralization and a Committee of Experts on the Revision of the Convention. It also agreed that professional organizations would not be allowed to participate in the meetings of the Council but could be admitted to technical bodies of UPOV.

1973 Annual Report

8. The Council unanimously adopted the 1973 Annual Report of the Secretary-General as appearing in document UPOV/C/VIII/2.

9. With regard to the entry into force of the Additional Act of 1972 amending the Convention, the Council was informed that so far Sweden and Denmark had ratified the Additional Act. The Delegation of France said that it would probably deposit its instrument of ratification within the next month, whereas the Delegations of the Netherlands and the United Kingdom said that the deposit of their instruments of ratification could be expected in about three months' and four months' time, respectively. The Delegation of the Federal Republic of Germany said that it was hoped that ratification could take place during the year 1975. An agreement on an official translation of the Additional Act into German was expected during the year 1975.

Financial Regulations and Rules

10. The Council took note of the changes in the Financial Regulations and Rules as mentioned in document UPOV/C/VIII/7.

1973 Financial Report and Report of the Federal Audit Service

11. The Delegation of the Federal Republic of Germany asked that the following corrections be made in the German version of document UPOV/C/VIII/3: (i) on page 2, in paragraph 1, the figure "530,161.70" should read "530,151.70" and the word "Einnahmenüberschuss" should be replaced by the word "Ausgabenüberschuss", whereas the last part of the last sentence should be replaced by the words: "ist dem Reservefonds entnommen"; (ii) on page 11, Annex A.4, second line of the text, the figure "533,000.00" should read "573,000.00." In all versions, in Annex A.3, "Copenhagen" should be replaced by "Malmö" and in the English version, on page 2, paragraph 1, the word "surplus" in the last sentence should be replaced by the word "excess of expenditure."

12. Subject to these corrections, the Council unanimously approved the 1973 Financial Report as reproduced in document UPOV/C/VIII/3.

Program and Budget for 1975

13. The discussions were based on document C/VIII/5.

14. As far as the various meetings referred to in paragraphs 7 to 14 are concerned, several delegations expressed the view that their number and the duration of each of them should be reduced in order to economize both in the budget of UPOV and in the expenses of the Governments which send delegations to the said meetings. These reductions were also urged by several delegations on the ground that--owing in part to a reduction of the staff of the national administrations dealing with new plant varieties--it would be difficult if not impossible for them to send delegations to Geneva for more than the reduced number of meetings and for more than the reduced number of days.

15. In order to implement the above principles, the following measures were decided upon:

(i) the Consultative Working Committee will meet twice for a total of three to four days only (the new name of this Committee will be "Consultative Committee");

(ii) the Technical Working Parties should have a total of not more than five or six meetings; each of the five Working Parties should not necessarily hold a meeting in 1975; the decision on which of them should meet would be taken by the Technical Steering Committee;

(iii) the Working Group on Variety Denominations will probably not meet in 1975; any question which requires further study in this field for the purposes of the tasks assigned to the Committee of Experts on the Interpretation and Revision of the Convention will be dealt with in the meetings of that Committee;

(iv) the Fee Harmonization Working Party will probably not meet in 1975; any question concerning the harmonization of fees as well as the questions concerning joint trial arrangements, for the purposes of the tasks assigned to the Committee of Experts on International Cooperation in Examination, will be dealt with in the meetings of that Committee;

(v) the Committee of Experts on International Cooperation in Examination (formerly called "the Committee of Experts on Centralization") will meet in 1975 three times only and each time for three days only; its meetings should be held preferably during the same week as the meetings of the Technical Steering Committee; unless economies in other budget items allow the expenses of translation and interpretation to be covered, the documents of this Committee of Experts will be in English only and no interpretation will be provided for in its meetings;

(vi) the Committee of Experts on the Interpretation and Revision of the Convention (formerly called "the Committee of Experts on the Revision of the Convention") will meet only twice in 1975 and each of the meetings will not exceed four days; interpretation will be provided for in three languages.

16. After a thorough discussion, the Council decided to maintain the system of adopting, at least in one language, the reports of the Council and the Committees (other than the Technical Steering Committee) in the session to which the report relates. It furthermore decided that invitations to the sessions of the Council and of all Committees (that is, at the present time, the Consultative Committee, the Technical Steering Committee and the two Committees of Experts) should be sent to the Ministries of Foreign Affairs together with copies thereof, to be mailed on the same day as the invitations, to the Ministries of Agriculture.

17. As to the tasks of the two Committees of Experts, the Secretary-General said and the Council noted that he would see to it that working documents, containing both background information and concrete proposals, would be prepared by the Office of the Union. It was understood that the Committee of Experts on the Interpretation and Revision of the Convention would not only deal with proposals for revising the Convention but would also examine the question whether certain provisions of the existing text of the Convention could not be interpreted in a less strict fashion than had sometimes been done until now, thereby allowing for recognition of the compatibility of certain provisions in the national laws of certain States with the Convention, so that such States could possibly accede to the Convention without the need to revise those provisions of the Convention.

18. As far as the Information and Documentation Service described in paragraph 15 is concerned, it was understood in the Council that not all the activities in question would be carried out in 1975 but only those which--and only to the extent to which--the staff and the imperatives of economy would allow. In particular, it was decided that, before any publication of a collection of legislative texts could start, the Office would present to the Consultative Committee a plan outlining which texts would be published, in which languages and at what cost. The Secretary-General said and the Council noted that the newsletter would be published only two to four times a year, that each issue would consist of a few typewritten pages only, that it would mainly report on new legislation, the work of UPOV and statistics, that it would, at least initially, probably be published only in one language, and that it would be freely distributed to all interested Governments

and organizations and other interested parties. The Delegation of the Federal Republic of Germany suggested that the Office should examine the possibility of adopting cheaper reproduction procedures and using cheaper paper than it did for some of its present publications. The Council noted with approval that the document containing the text of the lectures given in the October 21 to 23, 1974, meeting of member and non-member States would contain those texts only in the language in which they were delivered and a summary of the discussions probably in English.

19. As far as missions are concerned (paragraph 18), the Council urged the Secretary-General to scrutinize with great severity the need for any particular staff mission, so as to effect economies wherever possible. It was decided that, should the mission to the United States of America, already decided upon in earlier meetings, become necessary in 1975, and should it include also one or two members of the Council to be chosen by the Consultative Committee, the cost of such a mission would, unless it could be covered from economies in other items of the budget, be covered from "Unforeseen" or the Reserve Fund.

20. As far as the staff of the Office is concerned, the Council had a particularly thorough discussion on the question whether to authorize the budgeting of a new (P.2/P.3) professional post. The Delegations of France, Germany (Federal Republic of), the Netherlands and Sweden expressed the view that the contributions of the Governments to UPOV could be expected to decrease, or increase less rapidly, only if the number of member States increased and that substantial savings should result, both for the Governments and for the plant breeders, if examination procedures were simplified and centralized. Consequently, the two new activities (revision, co-operation in examination) should be pursued with vigor. Such new activities required the reinforcement of the Office. Therefore, the recruitment of a new staff member should be regarded as an investment calculated to obtain substantial savings in the long run. The Secretary-General said that the recruitment of an additional professional staff member would not entail, at least for 1975 and 1976, the need for an additional shorthand typist. The Delegations of the United Kingdom and Denmark said that they would have preferred to avoid the creation of an additional post until the membership of the Convention had been increased. They also expressed concern that the creation of the post might result in the need for an additional typing/secretarial post. As they were assured by the Secretary-General that an additional post would not be required during the next two years and as all the other member States regarded the additional professional post as essential as a means of reducing work in the longer term, and as membership was likely to be increased in approximately one year, the Delegations of the United Kingdom and Denmark agreed not to register their formal opposition to the proposal.

21. As far as the covering of the expenses of the 1975 budget is concerned, the Council noted that the budget proposed that 120,000 francs be covered from the Reserve Fund and that, should the financial results of 1974 be as budgeted, the Reserve Fund would be able to cover that amount but that, after covering it, the said Fund would virtually be used up.

22. The Secretary-General said that the relatively high percentage of the increase in the contributions of the member States was due to the fact that for the four years from 1971 to 1974 the level of contributions, notwithstanding the increase of the budget (from 358,000 francs in 1971 to 640,000 francs in 1974), had been virtually stationary because recourse had been had to the Reserve Fund. Once that Fund was exhausted (as it would be by the end of 1975), inflationary and other increases in the budget would have to be borne in their entirety by the contributions. If, for 1976, such increases were estimated to be 15% as compared with 1975, the expected increase in contributions, from 1975 to 1976, would be around 38% if the number of members remained stationary, whereas, on the assumption that Belgium or Belgium and Switzerland became members before the end of 1975 and that they chose certain contribution classes, the said percentage would be roughly 28% or 17%, respectively.

23. In conclusion, the program and budget for 1975 was adopted as proposed in document UPOV/C/VIII/5, subject to the decisions indicated above and subject to paragraph 24, with the following changes as far as expenditure is concerned (figures are given in thousands of Swiss francs):

	Proposed	Approved	Difference
UV.04 Missions	10	7	- 3
UV.02 Conferences	14	11	- 3
UV.05 Conferences	9	0	- 9
UV.06 Conferences	6	0	- 6
UV.08 Conferences	1	22	+21
	<u>40</u>	<u>40</u>	<u>0</u>

24. It was understood that, should the Working Group on Variety Denominations and/or the Fee Harmonization Working Party have to meet in 1975, it/they would meet without interpretation, and the cost (1000 francs for each of these two meetings) would be covered from the budget item "Unforeseen."

Report on Legislative, Administrative and Technical Progress from Signatory States and Other Interested States

25. The Representative of Switzerland said that the legislative procedure necessary for the adoption of the implementing legislation and for the ratification of the UPOV Convention had been set into motion and if everything went according to schedule it could be expected that Switzerland would deposit its instrument of ratification of that Convention towards the middle of 1975.

26. The Representative of Belgium said that a bill on the protection of new plant varieties had been introduced in the Belgian Parliament and that the procedure for ratification of the UPOV Convention by the said Parliament was expected to be initiated in the coming weeks. There was therefore hope that Belgium would deposit its instrument of ratification of the UPOV Convention before the end of 1975.

27. The Secretary-General said that both bills and the accompanying exposés des motifs of Belgium and Switzerland were of such excellence that several other countries studying new legislation on the protection of plant breeders had asked for copies from the UPOV Office. He also expressed his satisfaction to the Minister of Agriculture of Belgium for having received him in May 1974 and confirmed during the conversation the prospects of early ratification of the UPOV Convention by Belgium.

28. The Representative of South Africa said that the present law of his country allowed for protection of foreign plant breeders on a bilateral basis but that it was expected that his Government would take a decision in the very near future which would lead to a revision of the law allowing South Africa to enter into multilateral agreements on the subject. The draft of a revised law had been completed and he thanked various members of UPOV for the advice which he had received from them in this respect. A solution which would permit the use of test results internationally, as well as the organization of joint trial procedures and other cooperation in the matter of examination, were of decisive importance.

29. The Representative of Austria said that both government and professional circles in his country were giving more and more recognition to the importance of UPOV and that, while, so far, active interest in the UPOV Convention had been rather limited because of the relatively small volume of seed export and the relative lack of knowledge of the advantages of the UPOV Convention, some breeders were now showing great interest in the question of Austria's accession to the UPOV Convention. The present legislation on the matter was 30 years old and required substantive revision. Although a new law might not be completed during the year 1975, gradual progress in the direction of legislative reform could be expected.

30. The Representative of the United States of America indicated the development in numbers and in kinds of grants of certificates of plant variety protection in recent years. The first certificate to a foreigner had been granted a few days ago. Variety descriptions had been completed so far on 25 species only. That was a fact which had delayed the examination of some of the applications for certificates, including applications coming from abroad. However, additional variety descriptions were expected to be completed soon. Forms were available on request.

31. The Representative of Kenya said that his country was grateful for the welcome it had received from UPOV. Kenya had adopted a seed law in 1972, which also provided for the protection of breeders' rights. Kenya was contemplating joining UPOV in due course; in the meantime, it was following with keen interest the developments in UPOV which would facilitate the joining of new members, particularly of countries with limited facilities for examination.

32. The Representative of New Zealand said that the Plant Varieties Act adopted by his country in 1973 provided for the establishment of a plant variety office and that such office would be established soon. Regulations on the implementation of the Act were being drafted and the law would become operational in respect of the first species (roses) on May 1, 1975. The addition of further species would naturally follow. His country was very interested in the revision of Article 4 of the UPOV Convention, in cooperation in examination, in the establishment of common forms for reporting and describing and common procedures for examining the various species to be protected, including, in particular, wheat. There was a very serious desire on the part of his country for international cooperation with UPOV and should UPOV find solutions to the said technical problems, accession by New Zealand to the UPOV Convention would be considered.

33. The Representative of Spain said that a draft law on plant breeders' rights had been approved recently by his Government and was now before the Cortés, which was expected to act upon it within the next six months. The text of the said bill was in accordance with the terms of the UPOV Convention and would allow Spain to accede to that Convention. He concluded by saying that he would shortly provide the Office and, on request, the members of the Council with copies of translations of the said bill.

34. The Representative of Norway said that his country was gradually building up its capacity for testing new plant varieties; however, the sharing of testing facilities by several countries and the common administration of testing, including the granting of certificates valid in several countries, would certainly enhance the possibility of Norway's becoming a member of UPOV. Once the prospects of international work sharing improved, Norway would contemplate joining the UPOV Convention.

35. The Representative of Japan said that the Japanese Seed Act of 1948, although providing for the protection of plant breeders, was not compatible with the UPOV Convention; for example, it provided only for protection of three to five years' duration. His Government had set up a study group, sponsored by the Ministry of Agriculture, in order to examine the possibilities of modernizing Japanese legislation in the matter. A private group, called "Japan Campaign for the Adoption of a Plant Patent Law", was active in advocating a reform of the Japanese legislation. The study group in question would make recommendations early in 1975. In this connection, the advice received from UPOV and the discussions of the meeting of member and non-member States held on the preceding days had been particularly useful.

36. The Representative of Canada said that the Federal Department of Agriculture would present, in November 1974, a paper to interested parties on the proposed changes in the Canadian seed protection, certification and marketing systems. Should a consensus be reached between these interested circles and the Government, action on new legislation could be expected in 1975. On the international level, what was important was that practical solutions, facilitating examination and establishing international cooperation, should be found. Consequently, his country was most interested in participating in any efforts made by UPOV in that respect.

37. The Representative of Finland said that a government committee of nine members representing all interested circles had been constituted in March 1973 in order to look into the desirability and feasibility of a system for the protection of the rights of plant breeders. The report of that committee was due in March 1975, and would be addressed to the Minister of Agriculture. Depending on the results of the said inquiry, the drafting and introduction of a bill on plant breeders' rights might be expected in 1975.

38. The Representative of Ireland said that his country had no law yet on the rights of plant breeders. His country intended to accede to the UPOV Convention but would first have to solve the problem of how to satisfy the requirements of examination with the limited staff and equipment that would be at the disposal of his Government.

39. The Chairman concluded by saying that the conviction was spreading throughout the world that the protection of plant breeders' rights was useful. He said that the international cooperation in examination and the use of the establishments existing in one country by other countries might be decisive factors for many countries in enabling them to establish the protection of plant breeders' rights and to join UPOV.

Brief Discussion on the Results of the Meeting of Member and Non-Member States and Possible Conclusions

40. The Chairman said that he had noted the general satisfaction with the meeting held from October 21 to 23 between member and non-member States. The exchange of views that had taken place in that meeting was useful both for non-member States in arriving at a better understanding of UPOV and for member States in reaching a better understanding of the problems and aspirations of non-member States.

41. The Delegation of the Federal Republic of Germany said that it was very much impressed by the interest in UPOV, manifested in the meeting from October 21 to 23, by non-member States and by non-governmental organizations. It was evident from the views expressed in that meeting that, first of all, it was important to examine whether the interpretation so far placed by most of the present member States on some of the provisions of the UPOV Convention was correct, in particular whether it was required under the Convention that examination must be actually conducted in the field or whether it could be conducted also in other ways; secondly, whether Article 13 of the Convention could be interpreted more liberally than had been the case heretofore. Another problem--but second in priority to the first--which the meeting with non-member States had shown must be examined was whether some provisions of the Convention needed revision.

42. The said Delegation also said that the taking over of the test results of one country by other countries and the international cooperation in examination procedures were extremely important and urgent problems both for the administrations in charge of examination and for breeders seeking protection in more than one country.

43. The views expressed by the Chairman and the Delegation of the Federal Republic of Germany were supported by several speakers and were generally shared by the Council.

Harmonization of Lists of Species Eligible for Protection

44. The Council noted the contents of document UPOV/C/VIII/8, which contains a list of species or genera eligible for protection in one or more member States and of species or genera to which member States plan to extend protection. The Delegation of Denmark proposed the following amendments: insertion of an "(x)" on page 2, after *Alstroemeria* L.; insertion of an "x" on page 3, after *Avena byzantina* C. Koch.; insertion of an "(x)" on page 3, after *Begonia elatior* hybrids; insertion of an "x" on page 19, after *Medicago varia* Martyn.

Updating and Extension of the List Relating to Joint Trial Arrangements

45. The Council noted document UPOV/C/VIII/11, which contains information on the testing facilities made available by some member States to other member States, as well as further information on the intention of some member States to accept test results obtained in the official testing stations of other member States. The Delegation of Denmark informed the Council that the letter "R" should be inserted alongside Denmark for the following three species listed in Annex 1: *Alstroemeria* L., *Begonia elatior* hybrids, *Saintpaulia ionantha* H. Wendl.. The Vice Secretary-General announced that Sweden had declared in writing its intention to accept test results obtained in other member States under joint trial arrangements for ornamentals, fruit crops and glasshouse vegetables if they satisfied Swedish requirements. The Delegation of Sweden promised to inform the Secretariat of the species listed in Annex 1 in respect of which the above conditions were met.

46. The Council decided to refer document UPOV/C/VIII/11 to the Committee of Experts on International Cooperation in Examination as additional discussion material.

Creation of a Committee of Experts on International Cooperation in Examination

47. The discussions were based on document UPOV/C/VIII/6.

48. The Council adopted the following decision:

"1. The Council of UPOV hereby establishes a Committee of Experts on International Cooperation in the procedure for the grant of plant breeders' rights for the same variety in more than one State, called Committee of Experts on International Cooperation in Examination (hereinafter referred to as 'the Committee of Experts').

"2. Each State member of UPOV shall be represented on the Committee of Experts by experts appointed by its Government.

"3. The Office of UPOV shall serve as the Secretariat of the Committee of Experts.

"4. The Consultative Committee shall give directives to the Secretary-General of UPOV concerning the invitation, as observers, of States not members of UPOV and of interested organizations.

"5. The Committee of Experts shall:

(i) study the possibilities of avoiding or eliminating duplication of effort on the part of Plant Variety Offices, of test institutes and of breeders in the filing and examination of applications, including technical tests, and in the granting of plant breeders' rights when protection is applied for in or with effect in more than one member State of UPOV;

(ii) study the possibilities of avoiding the duplication of effort mentioned under subparagraph (i) in the case where protection is applied for in or with effect in one or more member States of UPOV and one or more States not being members of UPOV;

(iii) examine the financial implications of all proposals made;

(iv) consider what measures can be taken immediately to improve cooperation between member States in avoiding or eliminating the duplication of effort mentioned under subparagraph (i), including the facilitating of bilateral joint trial arrangements.

"6. If the adoption of legal instruments appears to be necessary, the Committee of Experts shall make proposals on the procedure to be followed and shall prepare the preliminary drafts of such instruments.

"7. The Committee of Experts shall meet at the invitation of the Secretary-General of UPOV.

"8. The Secretary-General of UPOV and the Chairman of the Committee of Experts shall report on the progress of the work of the Committee of Experts to each session of the Council and of the Consultative Committee.

"9. The Committee of Experts shall follow the instructions of the Council and of the Consultative Committee."

49. The Council unanimously elected Mr. J.I.C. Butler (Netherlands) as Chairman of the Committee of Experts on International Cooperation in Examination. His term of office will expire at the end of the 1977 ordinary session of the Council.

Creation of a Committee of Experts on the Interpretation and Revision of the Convention

50. The discussions were based on the document UPOV/C/VIII/9.

51. The Council adopted the following decision:

"1. The Council of UPOV hereby establishes a Committee of Experts on the Interpretation and Revision of the International Convention for the Protection of New Varieties of Plants (hereinafter referred to as 'the Committee of Experts').

"2. Each State member of UPOV shall be represented on the Committee of Experts by experts appointed by its Government.

"3. The Office of UPOV shall act as the Secretariat of the Committee of Experts.

"4. The Consultative Committee shall give directives to the Secretary-General of UPOV concerning the invitation, as observers, of States not members of UPOV and of interested organizations.

"5. The Committee of Experts shall examine first of all the questions transmitted to it by the Council of UPOV or by the Consultative Committee of UPOV.

"6. The Committee of Experts shall examine questions of interpretation of the present text of the Convention and shall prepare draft amendments to the Convention and comments on the proposed amendments.

"7. The Committee of Experts shall meet at the invitation of the Secretary-General of UPOV.

"8. The Secretary-General of UPOV and the Chairman of the Committee of Experts shall report on the progress of the work of the Committee of Experts to each session of the Council and of the Consultative Committee.

"9. The Committee of Experts shall follow the instructions of the Council and of the Consultative Committee."

52. The Council unanimously elected Mr. H. Skov (Denmark) as Chairman of the Committee of Experts on the Interpretation and Revision of the Convention. His term of office will expire at the end of the 1977 ordinary session of the Council.

Admission of Non-Governmental Organizations to Sessions of the Council

53. The Chairman said that the Consultative Working Committee had already decided at its tenth session that non-governmental organizations would not be admitted to Council meetings. This decision applied also to the request from the European Association for Research on Plant Breeding (EUCARPIA) to take part in Council meetings in a consultative capacity, without the right to vote. This did not rule out the possibility of inviting EUCARPIA to attend meetings of Technical Working Parties dealing with specific matters. The decision was approved by the Council.

54. In this connection the Council also discussed the question whether the International Association of Horticultural Producers (AIPH) should be given the same status as CIOPORA and ASSINSEL in discussions on Test Guidelines. It was agreed that the Technical Steering Committee would itself decide on the Test Guidelines on which the AIPH would be asked to comment.

Election of a New Chairman of the Technical Steering Committee

55. The Delegation of the United Kingdom proposed that Mr. Bustarret (France) be re-elected Chairman of the Technical Steering Committee for a further year, and that Dr. Böringer (Federal Republic of Germany) take over the function at the end of that year. This proposal was unanimously adopted by the Council.

Term of Office of Chairman

56. In this connection, the question arose as to the date on which Chairmen-elect would take office. On a proposal by the Delegation of the Federal Republic of Germany, it was unanimously decided that the term of office of all Chairmen elected by the Council would begin at the end of the Council session at which they were elected and expire at the end of the ordinary Council session three years later.

Election of Chairmen of Two Working Parties

57. The Council decided unanimously to re-elect Mr. Mejegaard (Sweden) as Chairman of the Working Group on Variety Denominations and to elect Miss Thornton (United Kingdom) as Chairman of the Fee Harmonization Working Party.

Dates for Meetings in 1975

58. The Council unanimously decided to delegate the decision on dates for meetings in 1975 to the Consultative Working Committee.

Election of a New President of the Council

59. Indicating that his term of office was about to expire and that the time had come to elect his successor, the President asked whether there were any proposals. The Delegation of the United Kingdom expressed sincere thanks to Professor Pielen, on behalf of all the delegations, for the excellent work he had accomplished during his term of office as President; it recalled the heavy responsibilities which Professor Pielen had had to bear in the past years, the time he had sacrificed to his work as President and the difficult task which he had performed during the week in presiding over three important meetings. These statements were warmly applauded by the participants. The Delegation of the United Kingdom went on to say that UPOV was entering on the third important era of its existence, and that the Council could look on the coming period with confidence. It considered that Mr. Laclavière, the Head of the Delegation of France, was the right person to guide the Council through this delicate period, and therefore proposed that he be elected President. All the delegations voted in favor of Mr. Laclavière.

60. Mr. Laclavière was thus unanimously elected President of the Council from October 27, 1974, to the closing of the 1977 ordinary session of the Council. The outgoing President congratulated Mr. Laclavière and expressed the wish that UPOV would make further progress and accomplish useful work. He recalled that Mr. Laclavière was one of the founders of the Convention and that no one was more familiar with the origins of UPOV than he. Mr. Laclavière thanked his colleagues for having elected him; he said that he was both very sensible of the honor accorded to him and very aware of the heaviness of the task which he was about to take on.

Any Other Business

61. ASSINSEL.-- The Vice Secretary-General called the Council's attention to a resolution adopted by the ASSINSEL Council and to a letter dated July 15, 1974, from the Vegetable Section of ASSINSEL, both on the subject of the Guidelines for Variety Denominations (see the Annexes to document UPOV/C/VIII/12). He proposed that the matter be referred to the Working Group on Variety Denominations and to the Committee of Experts on the Interpretation and Revision of the Convention. The Council adopted this proposal in spite of the fact that, as the President pointed out, ASSINSEL's remarks might well become irrelevant as a result of the recent meeting of member and non-member States.

62. Recruitment to the New P.2/P.3 Post.-- The Council decided that, in order to gain time, the Secretary-General would send the job description of the new P.2/P.3 post as soon as possible to each of the six members of the Council, and that the time limit for filing applications would be fixed to expire approximately six weeks after the dispatch of the job description to the members of the Council. This procedure would replace, in this exceptional case, the procedure provided for in the Staff Regulations.

63. Working Capital Fund.-- In reply to questions asked by representatives of non-member States, it was noted that the contribution to the Working Capital Fund was at present fixed at 8,333 Swiss francs per contribution unit.

64. Change in the Name of the Consultative Working Committee.-- The Council decided that the name of the Consultative Working Committee would henceforth be "Consultative Committee" ("Comité consultatif", "Beratender Ausschuss").

Closing of the Session

65. Professor Pielen (Federal Republic of Germany), having reached the end of his term as President, thanked the members of the Council and the Office of UPOV for the comprehension and cooperation they had shown to him during the three years in which he had presided over the Council. He expressed his special attachment to UPOV, in the foundation of which he had played a role himself and on whose

various bodies he had represented his country from the beginning. He expected to continue to represent the Federal Republic of Germany on the Council and the Consultative Committee, but not very much longer since he would soon be retiring from active service in his own Government.

66. Mr. Laclavière (France), in the name of the members of the Council, and Dr. Bogisch (Secretary-General), in the name of the Office, thanked Professor Pielen for all that he had done for UPOV and its Secretariat in his capacity of President of the Council and Chairman of the Consultative Working Committee, and expressed the hope that he would maintain his interest in international cooperation within the framework of UPOV.

67. This report was unanimously adopted by the Council in its meeting held on October 26, 1974.

[Annex follows]

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/TEILNEHMERLISTE

I. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATEN

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Dr. A. BOGSCH, Secretary-General
Dr. H. MAST, Vice Secretary-General
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