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UPOV

C/XIX/12

ORIGINAL: French

DATE: October 18, 1985

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Nineteenth Ordinary Session
Geneva, October 17 and 18, 1985

REPORT ON THE DECISIONS OF THE COUNCIL

adopted by the Council

Opening of the Session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its nineteenth ordinary session in Geneva on October 17 and 18, 1985.
2. The session was presided over by the President of the Council, Mr. J. Rigot (Belgium).
3. The list of participants is attached as an Annex I to this report.
4. A more detailed report will be prepared shortly after the session and will be adopted by correspondence.

Adoption of the Agenda

5. The Council adopted the agenda as appearing in document C/XIX/1.

Present Situation, Problems Arising and Progress Achieved in the Legislative, Administrative and Technical Fields

6. The Council noted the declarations made under this agenda item.
7. The Council also noted the contents of documents C/XIX/5, 6, 7 and 8, and some corrections which will be shown in the detailed report.

Report by the President on the Work of the Thirty-First and Thirty-Second Sessions of the Consultative Committee

8. The Council noted the report on the work of the thirty-first session of the Consultative Committee as given in paragraph 2 of document C/XIX/2 Add., and also the oral report by the President on the work of the thirty-first and thirty-second sessions.

Report by the Secretary-General on the Activities of the Union in 1984 and in the First Nine Months of 1985

9. The Council unanimously approved the report by the Secretary-General as contained in document C/XIX/2 and in its supplement (document C/XIX/2 Add.).

Report by the Secretary-General on his Management and on the Financial Situation of the Union in 1984

10. The Council unanimously approved the report by the Secretary-General as contained in document C/XIX/3.

Presentation of the Report Concerning the Auditing of the Accounts for 1984

11. The Council noted the report contained in document C/XIX/3, Annex B, and approved the accounts of the Union for the year 1984.

Progress of the Work of the Administrative and Legal Committee

12. The Council unanimously approved the report on the progress of the work of the Administrative and Legal Committee and of its Biotechnology Subgroup as contained in document C/XIX/9. It also noted the oral reports given by the Chairmen of the Administrative and Legal Committee and the Biotechnology Subgroup.

13. It further noted with approval the plans for the future work of the Committee and the Subgroup as indicated in document C/XIX/9.

14. After a detailed discussion, the Council approved the proposals made by the Secretary-General that UPOV and WIPO should jointly and on an equal footing convene a meeting on January 10, 1986, with international non-governmental organizations representing both plant breeding and patent interests, and that the Office of the Union should prepare, as a basis for discussion at that meeting, a paper extolling the merits of the plant breeders' rights protection system. It referred to the Consultative Committee the decision on other details.

Progress of the Work of the Technical Committee and of the Technical Working Parties

15. The Council unanimously approved the report on the progress of the work of the Technical Committee and of the Technical Working Parties as contained in document C/XIX/10. It also noted the oral report given by the Chairman of the Technical Committee.

16. It further noted with approval the plans for the future work of these organs as indicated in the above-mentioned document.

17. It also confirmed that experts from non-governmental organizations could always be invited to parts of Technical Working Party sessions.

Report by the President on the Second Meeting With International Organizations

18. The Council noted the oral report by the President on the proceedings of the second Meeting with International Organizations.

Examination and Approval of the Program and Budget of the Union for the Biennium 1986-87

19. Discussions were based on document C/XIX/4 and on extracts therefrom amended according to the recommendations of the Consultative Committee. The amendments that still have some relevance were the following:

(i) Salaries and Common Staff Costs: The provision of 2,307,000 Swiss francs was reduced by 40,000 Swiss francs to 2,267,000 Swiss francs, the percentage increase for the biennium being thus reduced from 11.1% to 9.1%;

(ii) Official Travel: On page 8, the provision of 84,000 Swiss francs under the heading "General Missions" was corrected to 83,000 Swiss francs and the provision of 13,000 Swiss francs under the heading "Delegation of UPOV Staff to Paris (25th Anniversary)" to 14,000 Swiss francs;

(iii) Comparison of Income: As a consequence of the amendment recorded in item (i) above, the total income was reduced by 40,000 Swiss francs from 3,792,000 Swiss francs to 3,752,000 Swiss francs, the percentage variation being thus reduced from 10.9% to 9.7%; the amount of contributions payable by member States for the 1986-87 biennium was set at 3,568,000 Swiss francs instead of 3,608,000 Swiss francs.

20. The Council decided by show of hands that the contributions for the biennium should not be payable by halves in 1986 and 1987 but on the basis of a unit amounting to 42,512 Swiss francs for 1986 and 44,512 Swiss francs for 1987. A table showing the contributions of member States is given in the Annex II to this document.

21. The Secretary-General drew the attention of the Council to the fact that this unequal apportionment meant an increase of 5.8% in 1986 over 1985--exceeding the 5% limit announced by one Delegation in the Consultative Committee--and an increase of 4.7% in 1987 over 1986.

22. On an enquiry from the Delegation of Italy, the Secretary-General stated that, from the information so far available, expenditure would be some 40,000 Swiss francs less than that provided for in the 1985 budget. The savings would be credited to the Reserve Fund. According to the budget assumptions, the Reserve Fund would stand at 66,000 Swiss francs at the end of the biennium.

23. The Delegations of Italy and of the United States of America also questioned the necessity for the heading "Unforeseen."

24. The Secretary-General referred to the discussions that had already taken place in the Consultative Committee and stated that the meeting planned for January 10, 1986, (see paragraph 14 above) was a perfect example showing the need of the heading.

25. The Council adopted the proposed budget, with the amendments shown in paragraph 18 above, by consensus, with one abstention (Delegation of the United States of America) and one opposition (Delegation of Japan).

26. The Delegation of Ireland withdrew its reservation made in the Consultative Committee.

27. The Delegation of France took note of the efforts made by the Secretary-General with a view to compressing the budget and providing for progressive rather than uniform contributions over the biennium. It also noted that the expenses in 1984 were lower than budgeted and complimented the Secretary-General on his rigorous management. It wished to recall that all member States were suffering from financial constraints and that the increases voted were higher than permitted at national level. He expressed hope and confidence that the Secretary-General would continue to have the same care for public moneys.

28. The Delegation of the Federal Republic of Germany concurred with the views expressed by the Delegation of France. Having noted that the heading "Unforeseen" had become a subject for discussion, it invited the Secretary-General to examine whether it should continue to be calculated, as a matter of principle, on the basis of 1% of the expenses proper to UPOV.

Medium-Term Plan for 1988-91

29. Discussions were based on part II of document C/XIX/4.

30. The attention of the Council was drawn to the fact that it was invited to take note of the medium-term plan, which did not bind member States for any future discussion on budget matters. Discussions had therefore to be limited to an exchange of views that were to be recorded in the report.

31. The Council noted the medium-term plan for 1988-91. It expressed agreement with the objectives as set out in chapter I of part II of document C/XIX/4. As regards the activities described in chapter II of that document, the following remarks were made:

(i) Periodicity of Symposia and Meetings With International Organizations (Paragraph 22(ii) and (iii)): The Delegation of Italy stated that it could accept yearly symposia, but that no periodicity should be foreseen for the meetings with international organizations. The Delegation of the Federal Republic of Germany, supported by the Delegations of Denmark, the Netherlands and the United Kingdom, stated that the no decision whatsoever should be taken in that respect in order to allow for flexibility. In particular, meetings with international organizations should be held according to needs.

(ii) Staff Requirements (Paragraph 22(v)): The Delegation of the Netherlands referred to a statement it had made at an earlier Council session, to the effect that the replacement of an official of UPOV on cessation of service should be submitted to the Council for examination of its necessity. It expressed disagreement with the last sentence of paragraph 22(v). Disagreement was also shown by the Delegations of Denmark, France, the Federal Republic of Germany, Italy and the United Kingdom.

(iii) Fluctuations and Exceptional Events (Paragraph 23): The Delegation of France would have wished that the phrase "which will cause additional expenses," referring to the celebration of the 25th anniversary of the signing of the UPOV Convention, be deleted. It was supported by the Delegation of Italy.

Calendar of Meetings in 1986 and 1987

32. Discussions were based on document C/XIX/11.

33. As regards the meetings in 1986, the Council noted the following:

(i) The Technical Working Party for Ornamental Plants and Forest Trees would meet from July 16 to 18, 1986, with a Subgroup meeting on July 15 (instead of July 2 to 4, 1986, and July 1).

(ii) There would be a meeting, on January 10, 1986, of a UPOV/WIPO group of experts on biotechnology, industrial property and plant variety protection.

(iii) The Delegation of the United States of America invited the Biotechnology Subgroup to hold a meeting in Washington D.C. from March 12 to 14, 1986. Further meetings would be held according to needs, in conjunction with the sessions of the Administrative and Legal Committee.

34. As regards the meetings in 1987, the Council considered the dates to be tentative only.

35. The Delegation of New Zealand noted with satisfaction that in the tentative calendar of meetings for 1987, the sessions of the Council, the Consultative Committee, the Administrative and Legal Committee and the Technical Committee and the Meeting with International Organizations were grouped together, which would facilitate fuller participation by delegations from distant countries.

36. The Delegation of the Federal Republic of Germany pointed out that the international organizations had expressed the wish that meetings with international organizations be held for one day only and that the tentative calendar of meetings for 1987 would have to be reconsidered accordingly.

Election of a New Chairman of the Administrative and Legal Committee

37. The Council unanimously elected Mr. F. Espenhain (Denmark) as Chairman of the Administrative and Legal Committee for a term of office of three years expiring at the end of the twenty-second ordinary session of the Council, in 1988.

38. The office of Vice-Chairman having become vacant owing to the above election, the Council unanimously elected Mr. M. Simon (France) to that office for the same term.

Retirement

39. The Council was informed that Mr. R. D'Hoogh (Belgium) was attending a UPOV session for the last time. In the name of UPOV, the President congratulated him on his contribution to the work and the development of UPOV and expressed his best wishes for a long and happy retirement.

40. This report was unanimously adopted by the Council at its meeting on October 18, 1985.

[Annexes follow]

ANNEX I/ANNEXE I/ANLAGE I

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/TEILNEHMERLISTE

I. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATEN

BELGIUM/BELGIQUE/BELGIEN

- M. J. RIGOT, Ingénieur en chef, Directeur au Ministère de l'agriculture, Manhattan Center, 21, Avenue du Boulevard, 1210 Bruxelles
- M. R. D'HOOGH, Ingénieur principal, Chef de service, "Protection des obtentions végétales," Ministère de l'agriculture, Manhattan Center, 21, Avenue du Boulevard, 1210 Bruxelles

DENMARK/DANEMARK/DAENEMARK

- Mr. H. SKOV, Chief of Administration, Office of the State Plant Research Service, Virumgaard, Kongevejen 83, 2800 Lyngby
- Mr. F. ESPENHAIN, Head of Office, Board for Plant Novelties, Tystofte, 4230 Skaelskor

FRANCE/FRANKREICH

- M. Y. VAN HAECKE, Sous-directeur des productions végétales, Ministère de l'agriculture, 3, rue Barbet de Jouy, 75007 Paris
- M. M. SIMON, Secrétaire général, Comité de la protection des obtentions végétales, 17, avenue de Tourville, 75007 Paris

GERMANY (FED. REP. OF)/ALLEMAGNE (REP. FED. D')/DEUTSCHLAND (BUNDESREPUBLIK)

- Dr. D. BOERINGER, Präsident, Bundessortenamt, Postfach 61 04 40, 3000 Hannover 61
- Mr. W. BURR, Regierungsdirektor, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn
- Mr. H. KUNHARDT, Leitender Regierungsdirektor, Bundessortenamt, Postfach 61 04 40, 3000 Hannover 61

HUNGARY/HONGRIE/UNGARN

- Dr. B. SZALOCZY, Director General, Institute for Plant Cultivation and Qualification, Ministry of Agriculture and Food, P.O. Box 93, 1525 Budapest 114
- Dr. J. BOBROVSZKY, Head of Legal and International Department, National Office of Inventions, P.O. Box 552, 1370 Budapest 5
- Mr. I. IVANYI, Vice-President, National Office of Inventions, P.O. Box 552, 1370 Budapest 5

IRELAND/IRLANDE/IRLAND

- Mr. P.J. O'LEARY, Controller of Plant Breeders' Rights, Agriculture House, Kildare Street, Dublin 2

ISRAEL

- Mr. M. SHATON, Counsellor (Economic Affairs), Deputy representative to UPOV, Permanent Mission of Israel, 9 chemin Bonvent, 1216 Cointrin/GE, Switzerland

ITALY/ITALIE/ITALIEN

- Dr. M. CARRO SCIAMANNA, Dirigeant, Ufficio Centrale Brevetti, Ministry of Industry, Via Molise 19, Roma
- Dr. B. PALESTINI, Chief Inspector, Ministry of Agriculture and Forestry, D.G. Produzione Agricola, 20, Via XX Settembre, 00187 Rome
- Dr. G.L. CUROTTI, Vice-directeur général, Istituto Agronomico per l'Oltremare, rue Cocchi 4, Florence

JAPAN/JAPON/JAPAN

- Mr. H. MIZOTA, Chief Examiner, Seeds and Seedlings Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries, 1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo
- Mr. N. INOUE, First Secretary, Permanent Mission of Japan, 10, avenue de Budé, 1202 Geneva, Switzerland

NETHERLANDS/PAYS-BAS/NIEDERLANDE

- Mr. W.F.S. DUFFHUES, Director, Arable Crops and Horticulture, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague
- Mr. M. HEUVER, Chairman, Board for Plant Breeders' Rights, Nudestraat 11, 6700 AC Wageningen
- Mr. K.A. FIKKERT, Legal Adviser, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague

NEW ZEALAND/NOUVELLE-ZELANDE/NEUSEELAND

- Mr. F.W. WHITMORE, Registrar of Plant Varieties, Plant Varieties Office, P.O. Box 24, Lincoln, Canterbury

SOUTH AFRICA/AFRIQUE DU SUD/SUEDAFRIKA

- Dr. A.D. NIEUWOUDT, Director, Directorate of Plant and Seed Control, Department of Agricultural Economics and Marketing, Private Bag X179, 0001 Pretoria
- Dr. J.H. GROBLER, Agricultural Counsellor, South African Embassy, Trafalgar Square, London, WC2N 5DP, United Kingdom

SPAIN/ES PAGNE/SPANIEN

- M. R. LOPEZ DE HARO Y WOOD, Subdirector Técnico de Laboratorios y Registro de Variedades, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal 56, 28003 Madrid
- M. J.-M. ELENA ROSSELLO, Jefe del Registro de Variedades, Instituto Nacional de Semillas y Plantas de Vivero, José Abascal 56, 28003 Madrid

SWEDEN/SUEDE/SCHWEDEN

- Mr. S. MEJEGAARD, President of Division of the Court of Appeal, Armfeltsgatan 4, 115 34 Stockholm
- Prof. L. KAAHRE, Vice-Chairman, Department of Plant Husbandry, Swedish University of Agricultural Sciences, Box 7042, 75007 Uppsala

SWITZERLAND/SUISSE/SCHWEIZ

Dr. W. GFELLER, Leiter des Büros für Sortenschutz, Bundesamt für Landwirtschaft, Mattenhofstrasse 5, 3003 Bern

Mrs. M. JENNI, Sachbearbeiterin, Büro für Sortenschutz, Mattenhofstrasse 5, 3003 Bern

UNITED KINGDOM/ROYAUME-UNI/VEREINIGTES KOENIGREICH

Mr. F.H. GOODWIN, Controller of Plant Variety Rights, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF

UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE/VEREINIGTE STAATEN VON AMERIKA

Mr. S.D. SCHLOSSER, Attorney, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce, Washington, D.C. 20231

II. OBSERVER STATES/ETATS OBSERVATEURS/BEOBACHTERSTAATEN

ARGENTINA/ARGENTINE/ARGENTINIEN

M. D.F. MAPSICO, Ministre Conseiller Agricole, Représentant auprès de la FAO, Via Margutta 1-A, Rome, Italie

CHILE/CHILI/CHILE

Mr. E. RUIZ, Conseiller, Mission permanente du Chili, 56, rue de Moillebeau, 1209 Genève, Suisse

FINLAND/FINLANDE/FINLAND

Mr. O. REKOLA, Assistant Director, Ministry of Agriculture and Forestry, Hallituskatu 3, 00170 Helsinki 17

Prof. Dr. R. MANNER, Head of Plant Breeding Department, Agricultural Research Centre, 31600 Jokioinen

GREECE/GRECE/GRIECHENLAND

Mr. I. EMMANOUILIDIS, Ministry of Agriculture, Plant and Seed Division, 2, Rue Acharnon, Athens

MOROCCO/MAROC/MAROKKA

M. M. LAZZAOUI, Secrétaire général de l'INRA, Ministère de l'agriculture et de la réforme agraire, Avenue de la Victoire, B.P. 415, Rabat

NORWAY/NORVEGE/NORWEGEN

Mr. L.R. HANSEN, Head of Office, The National Seed Council, The National Seed Council, Moerveien 12, 1430 Aas

POLAND/POLOGNE/POLEN

M. J. VIRION, Chef-expert au Ministère de l'agriculture et de l'économie alimentaire, Ministerstwo Rolnictwa, 30, rue Wspolna, Warszawa

III. INTERGOVERNMENTAL ORGANIZATIONS/
 ORGANISATIONS INTERGOUVERNEMENTALES/
 ZWISCHENSTAATLICHE ORGANISATIONEN

EUROPEAN ECONOMIC COMMUNITY (EEC)/COMMUNAUTE ECONOMIQUE EUROPEENNE (CEE)/
 EUROPÄISCHE WIRTSCHAFTSGEMEINSCHAFT (EWG)

M. D.M.R. OBST, Administrateur principal, 200, rue de la Loi (Loi 84-7/9),
 1049 Bruxelles, Belgique

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)/ORGANISATION DES
 NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE (FAO)/ERNAHRUNGS- UND LANDWIRT-
 SCHAFTSORGANISATION DER VEREINTEN NATIONEN (FAO)

Dr. W.P. FEISTRITZER, Chief, Seed Service, Plant Production and Protection Divi-
 sion, Via delle Terme di Caracalla, 00100 Roma, Italy

IV. OFFICERS/BUREAU/VORSITZ

Mr. J. RIGOT, President
 Mr. S.D. SCHLOSSER, Vice-President

V. OFFICE OF UPOV/BUREAU DE L'UPOV/BUERO DER UPOV

Dr. A. BOGSCH, Secretary-General
 Dr. H. MAST, Vice Secretary-General
 Dr. M.-H. THIELE-WITTIG, Senior Counsellor
 Mr. A. HEITZ, Senior Officer
 Mr. A. WHEELER, Senior Officer
 Mr. M. TABATA, Associate Officer

VI. OFFICE OF WIPO/BUREAU DE L'OMPI/BUERO DER WIPO

Mr. M. LAGESSE, Controller

[Annexe II follows/
 L'annexe II suit/
 Anlage II folgt]

C/XIX/12

ANNEX II

CONTRIBUTIONS OF MEMBER STATES

(expressed in Swiss francs)

<u>1984</u> <u>Actual</u>	<u>1985</u> <u>Actual</u>	<u>Member States</u>	Number of Units	<u>Biennial Budget</u> <u>1986-87</u>	
				<u>Payable in</u> <u>1986</u>	<u>Payable in</u> <u>1987</u>
39,024	40,195	<u>Value of one unit</u>		42,512	44,512
58,537	60,294	Belgium	1.5	63,768	66,768
58,537	60,294	Denmark	1.5	63,768	66,768
195,122	200,975	France	5.0	212,560	222,560
195,122	200,975	Germany, Fed. Rep. of	5.0	212,560	222,560
19,512	20,097	Hungary	0.5	21,256	22,256
39,024	40,195	Ireland	1.0	42,512	44,512
19,512	20,097	Israel	0.5	21,256	22,256
78,048	80,390	Italy	2.0	85,024	89,024
195,122	200,975	Japan	5.0	212,560	222,560
117,074	120,585	Netherlands	3.0	127,536	133,536
39,024	40,195	New Zealand	1.0	42,512	44,512
39,024	40,195	South Africa	1.0	42,512	44,512
39,024	40,195	Spain	1.0	42,512	44,512
58,537	60,294	Sweden	1.5	63,768	66,768
58,537	60,294	Switzerland	1.5	63,768	66,768
195,122	200,975	United Kingdom	5.0	212,560	222,560
195,122	200,975	United States of America	5.0	212,560	222,560
<u>1,600,000</u> =====	<u>1,648,000</u> =====		<u>41.0</u> =====	<u>1,743,000</u> =====	<u>1,825,000</u> =====

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