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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Seventh Session

Geneva, May 6 to 8, 1981

"STATISTICAL" DOCUMENTS SUBMITTED EACH YEAR TO THE COUNCIL

Document prepared by the Office of the Union

Introduction

1. At its twenty-second session, the Consultative Committee asked the Administrative and Legal Committee "to ascertain how the work on the preparation of the documents on statistics (documents C/XIV/5, 6 and 7) could be simplified and made less burdensome for the national authorities which would have to supply the necessary information" (see paragraph 13 of document CC/XXII/6). These documents are submitted annually to the ordinary session of the Council. Their contents and the way in which they are drawn up are described briefly below.

List of Protected Species

2. The list of protected species (entitled "List of Species to which the Convention is Applied" in the document submitted to the fourteenth ordinary session of the Council) comprises a table containing a list of taxons (families, genera, species, etc.) that are protected in at least one member State, with, for each taxon, the common name in English, French and German and information on its protection in the various member States. It is not strictly speaking a "statistical" document.

3. This list is brought up to date every year. Member States are asked to contribute to the updating work by checking the information concerning them and perhaps also by proofreading Latin and common names. The Office of the Union now has word processing apparatus at its disposal, and the list of protected species is in the process of being typed into the apparatus. The States that will be covered by the list (present member States and signatories of the 1978 Revised Act of the Convention) will have to check the list very thoroughly once it is on the word processor. Their task will be greatly reduced in future updatings, as they will have only to check the changes, which the Office of the Union will endeavor to make clearly visible.

4. Briefly, therefore, once the input work has been done, the task of States, and that of the Office of the Union moreover, will be greatly lessened. There is therefore no need to make additional arrangements.

Cooperation in Examination

5. This is a document that contains information in tabulated form on offers of cooperation made by member States, on cooperation already existing or planned between member States and, for the sake of completeness, on member States that protect the species concerned but do not participate in the cooperation system. This then is not a "statistical" document either.

6. The remarks made in paragraphs 3 and 4 apply also to the above document.

Statistics on Cooperation in Examination

7. This document comprises tables that primarily show, for each State and for each species:

- (i) the number of examination reports requested of another State;
- (ii) the number of requests for examination reports withdrawn;
- (iii) the number of examination reports received.

These numbers are given for a period that goes from July 1 of one year to June 30 of the following year; the totals as of the end of the reference period are also given.

8. For the preparation of this document, the Office of the Union sends each member State, during July, forms on which it has to provide its statistics on its cooperation activities. The State is requested to provide two sets of data, so that the Office of the Union may make the necessary checks, whereupon the State is asked to correct the data originally provided where necessary. Specimens of the forms are reproduced in Annexes I and II to this document.

9. It is a fact that the drawing up of statistics on cooperation in examination entails a great deal of work on the part of both States and the Office of the Union, and for that reason it has been proposed that the work should be cut down by means of States being requested to provide statistics only on their activities as examining States, in other words to complete only the present Form 2 (Annex II to this document).

10. The proposed simplified procedure is naturally usable in practice. It should be pointed out, however, that the provision of two sets of statistics offers the following advantages:

(i) It allows the data provided by each member State to be checked and errors, which can often give a very distorted picture of the truth, to be eliminated. Up to now typical errors have been due to the fact that interim reports have been entered as final reports, or to the fact that reports have appeared in the statistics when they were sent not during the reference period, but before it started or after it ended. The elimination of the errors that have been made allows new statistics to be made the following year on more accurate bases, and there is reason to fear that, if the proposed procedure is accepted, the workload on States may increase rather than diminish, owing to the fact that, when making statistics for a given reference period, they will have to search for errors committed earlier.

(ii) It allows final statistics to be compiled for a State that has not been able to provide them, for one reason or another, even though, in that case, their accuracy is not guaranteed.

11. In addition, the effect of the proposed procedure is that the provision of statistics becomes the responsibility of those States alone that examine on behalf of other member States, that is, as things are at present, Denmark, France, Germany (Federal Republic of), the Netherlands and the United Kingdom. However, among those States there are the very ones that have the greatest

difficulty in compiling statistics, owing to the sheer volume of cooperative work (in the case of chrysanthemum, the United Kingdom receives about 250 requests for examination reports annually, and sends out as many), the shortage of available staff or time during the period in the year in which the statistics have to be made, or the fact that two separate authorities are involved in the cooperation system. The drawing up of statistics is much easier for other States, on the other hand.

12. The proposed procedure has one more drawback: if the present layout of the statistics--in which a table is made for each State requesting and receiving examination reports--were to be retained, and that is recommended owing to the fact that it has already been used successfully in its present form for three consecutive reference periods, the Office of the Union would have to redesign the tables on the basis of the data provided by examining States. If the statistics of one of those States were to be missing, that would inevitably affect several tables, and the incomplete statistics would mislead the reader to such an extent that their value would be questionable.

13. For these reasons the Office of the Union considers it preferable to retain the principle of the procedure observed at present, and to make some amendments at least in order to overcome some of the difficulties encountered hitherto.

14. One of the difficulties is the fact that the period imposed at present for the drawing up of the statistics is too short and ill-chosen. The period is approximately three months, covering July, August and September. That is a time of year at which the workload is no less than average for the majority of the present member States, and during which the staff take their main holidays. The Office of the Union proposes the adoption of the calendar year in future as the reference period; there would thus be nine months available for the making of statistics. One could for instance contemplate dividing the period in two: a two-month period (January and February) for the provision of sets of data, and a seven-month period during which the Office of the Union would search for possible contradictions in the data supplied by member States, inform the States concerned accordingly and endeavor to resolve them in cooperation with those States, but without being pressed for time. One or more sessions of certain bodies of the Union generally take place during this seven-month period, and it would therefore be possible to seek the necessary clarifications by direct personal contact and avoid costly correspondence.

15. If this proposal is adopted, provision will have to be made for an interim reference period of six months' duration. The Office of the Union proposes the period from July 1, 1980, to December 31, 1980. As the statistics relating to that period would have to be presented to the Council at its fifteenth ordinary session, in October 1981, there would be four and a half months to draw them up as from the close of the seventh session of the Administrative and Legal Committee.

[Annexes follow]

FORM 1

FORM 1

REPORTING STATE

[illegible]

ANNEX I/ANNEXE I/ANLAGE I

CAJ/VII/2

0013

* First line: for plant breeders' rights
Second line: for inclusion in the National List (to be given only if the reports are for national listing purposes).

STATISTICS ON THE EXCHANGE OF EXAMINATION REPORTS

FORM 1

PERIOD FROM JULY 1, 1979, TO JUNE 30, 1980

REPORTING STATE

NETHERLANDS

Species	Number of Appli- cations*	First line: Number of Requests for Reports Made by Reporting State to Other States Second line: Number of Requests Withdrawn Third line: Number of Reports Received by Reporting State from Other States Between July 1, 1979, and June 30, 1980										Overall Number on June 30, 1980
		Detail Other (specify)									Total	
		B	CH	D	DK	F	NL	S	UK			
Chrysanthemum morifolium Ram.	53								53 6 66		53 6 66	249 28 145
Secale cereale L.	0 3			3 0 1							3 0 1	10 4 4

The information given on this form will be used for drafting the final document to be submitted to the Council.

Completing the form as done in the above example would mean the following:

During the period of reference (July 1, 1979, to June 30, 1980), the Netherlands received 53 (valid) applications for protection in respect of chrysanthemum varieties. The purpose of stating the number of applications is to give an indication as to the extent of cooperation in examination. The Netherlands requested 53 reports from the United Kingdom, withdrew 6 requests (which may be earlier requests than the 53 made during the period of reference) and received 66 reports.

In total, as from the beginning of cooperation in examination, the Netherlands requested 249 reports, withdrew 28 requests and received 145 reports. It is possible for the reporting office to check the data on the basis of the overall numbers given in the last two columns since:

number of requests - [number of withdrawn requests + number of reports received] = number of requests pending

* First line: for plant breeders' rights

Second line: for inclusion in the National List (to be given only if the reports are for national listing purposes).

STATISTICS ON THE EXCHANGE OF EXAMINATION REPORTS

FORM 2

PERIOD FROM JULY 1, 1979, TO JUNE 30, 1980

REPORTING STATE

Species	First Line: Number of Requests for Reports Made by Other States to Reporting State Second Line: Number of Requests for Reports Withdrawn Third Line: Number of Reports Transmitted to Other States by Reporting State Between July 1, 1979, and June 30, 1980										Overall Number on June 30, 1980
	B	CH	D	DK	F	Detail NL	S	UK	Other (specify)	Total	

ANNEX II/ANNEXE II/ANLAGE II

CAJ/VII/2

0015

STATISTICS ON THE EXCHANGE OF EXAMINATION REPORTS

FORM 2

PERIOD FROM JULY 1, 1979, TO JUNE 30, 1980

REPORTING STATE

United Kingdom

Species	First Line: Number of Requests for Reports Made by Other States to Reporting State Second Line: Number of Requests for Reports Withdrawn Third Line: Number of Reports Transmitted to Other States by Reporting State Between July 1, 1979, and June 30, 1980										Overall Number on June 30, 1980
	B	CH	D	DK	F	NL	S	UK	Other (specify)	Total	
Chrysanthemum morifolium Ram.			54	28	17	53				152	423
			4	1	0	6				11	33
			0	3	0	66				69	188
Apple										0	7
										0	0
										0	3

The purpose of this form is to enable the Office of the Union to check whether the statistical data received from different sources correspond.

In the present example, the United Kingdom states that, during the period of reference and with respect to Chrysanthemum, it received 53 requests of reports from the Netherlands, the Netherlands withdrew 6 requests made to the United Kingdom and that it transmitted 66 reports to the Netherlands. These data correspond to those given by the Netherlands on example form 1.

Note: The rules hereunder should be followed:

(i) "Request for a report" shall mean any enquiry with another authority which normally leads to the transmission of the report, either immediately or after completion of the examination. Shall not count as a request the mere enquiry whether the variety is under examination, or a report already drawn up and available, if the answer to such enquiry is negative and the variety is not examined as a result of such enquiry.

(ii) "Withdrawn request" shall mean any ending of the procedure before the final report is transmitted, whether one or several interim reports have been transmitted or not.

(iii) "Transmitted or received report" shall mean the final report only.

(iv) The date of request of a report, of withdrawal of a request and of transmittal of a report shall be the date of the letter in which the request or withdrawal is made or with which the report is transmitted (and not the date at which the letter is received by the other party).