

UPOV Consultative Committee CC/86 Agenda item 14, 23.10.2013

APBREBES Intervention on Observers in UPOV Bodies

Thank you very much for giving APBREBES the opportunity to share with you our views in respect to the observer rules in the CAJ Advisory Group.

APBREBES considers that rules for observers in all CAJ subgroups should be transparent, coherent, non-discriminatory, inclusive and easy to implement.

This is not the case with the current rules.

Transparency and coherence: A decision should be taken on the Terms of Reference for observers, which are valid for all CAJ subgroups. As it seems today, the BMT Review Group and Working Group on Variety Denominations have in the last years always invited representatives of the seed sector without any clear basis in the respective terms of reference. To achieve a higher degree of transparency (who could participate in the meetings, on which grounds) this should be changed. To be coherent, all the sub-groups should follow the same rules.

Non-discrimination: Our point of view is that no stakeholder group should be given more weight than others. Sentences like: "*Observer organizations, in particular those representing the interests of breeders, might be invited by the advisory group to present their views ...*" which is found in the terms of references of CAJ-AG should be avoided. We have to keep in mind that Plant Breeders Rights are a form of IP and there are many perspectives on it e.g. the view of the rights holder, the grower, the farmer, and others. Therefore the Rules should not discriminate between stakeholders. Our initial proposal, to invite two representatives per stakeholder group, would guarantee a well balanced representation of stakeholders

Inclusiveness: To be inclusive should be in the interest of every multilateral organisation, including UPOV. To understand and to know the view of different stakeholders could only be supportive for making informed and well-balanced decisions. The stakeholders would be the seed sector, farmer organizations and civil society organizations.

To be really inclusive UPOV should also actively facilitate and support the participation of certain stakeholder groups that are currently under-represented in the discussion – such as smallfarmer organisations.

Easy to implement: The solution should be easy to implement and non-bureaucratic. This would reduce the workload for the secretariat, the working group and the observers. The current mechanism which includes writing a letter with arguments and then (maybe) be invited on a very short term is certainly not a good option. Our initial proposal to include a limited number of permanent places for observers representing various stakeholder groups – is certainly feasible – as it is shown by experiences in other fora. Also our second option fulfills these criteria.

We believe that the options presented by APBREBES are pragmatic. If the concern is that opening sub-groups to all observers will affect the nature of the sub-group, our initial proposal to limit the number of permanent places for observers for stakeholder groups would limit the number of observers in a balanced manner. There are other mechanisms and rules in WIPO, the CBD or the Committee on Food Security of FAO which are much more inclusive and progressive and we do not hide that these are better reflecting our vision of a participatory process. But for the time being we think that the proposed options would be an important step to improve the terms of reference for observers in the CAJ subgroups.