

UPOV Administrative and Legal Committee CAJ/67 on 21 March 2013

APBREBES Intervention on Agenda Item 4, CAJ/67/2 para 29

Participation of observers in the CAJ-AG

Mr. Chairman,

Intervention of APBREBES on CAJ/67/2 para 29.

29. The CAJ is invited to consider the request from the CAJ-AG for further guidance on the proposals concerning participation of observers in the CAJ-AG.

We like to reiterate our motivation to bring up the issue of participation of observers in the CAJ. The current modus operandi is complicated and bureaucratic. The documents are often posted at quite short term. Then observers are allowed to send in comments till two weeks prior to the meeting. And afterwards the CAJ-AG will decide “if the presence of the organization was considered necessary to present its views or to provide further explanations concerning its written comments.” So it seems it is favorable to send in comments where further explanation is needed. In anyway the process leads to invitation which maybe could only be delivered few days in advance. This makes it difficult for observers from abroad to schedule the trip and book flights and Hotels.

We therefore asked for a more predictable process which makes it clear that observers could participate in the advisory group. We proposed two different options to do so. Either, to give observer status in the CAJ-AG to all observers of the CAJ. This would certainly be the most simple solution. Or, to have a limited number of permanent places for certain stakeholder groups – a solution which puts an emphasis on an equal representation. We do not believe that the rules of procedure of the Council are helpful to decide on this issue. Rule36 is about the establishment of Committees – but the CAJ-AG is not a Committee. And Rule 20 is about Observers and Experts in the Council. **The Terms of Reference of the CAJ-AG have been decided by the CAJ (documents CAJ/52/4 and CAJ/52/5) and therefore the CAJ should be free to change this rules, if they are not appropriate anymore. We hope that this could be done in order to facilitate the participation of observers in the future.**