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# INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

## CONSULTATIVE COMMITTEE

**Eighty-Fifth Session**  
**Geneva, March 22, 2013**

### PREPARATION OF REPORTS TO THE COUNCIL

*Document prepared by the Office of the Union*

1. The purpose of this document is to consider the content and form of information to be presented to the Council in the

- (i) annual report of the Secretary-General / performance report for the biennium;
- (ii) reports by representatives of members and observers on the legislative, administrative and technical fields

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## ANNUAL REPORT OF THE SECRETARY-GENERAL / PERFORMANCE REPORT FOR THE BIENNIUM

### Background

2. The program and budget for the biennium sets the amount of contributions from members of the Union, the maximum ceiling of expenditure in the regular budget, and the total number of posts for the Office of the Union (e.g. document C/45/4 Rev.2 "Program and Budget for the 2012-2013 Biennium"). The program and budget also contains objectives and expected results and performance indicators by sub-program (e.g. document C/45/4 Rev.2, page 3 "Table of Contents").

3. A document setting out the finances of the Union at the end of the biennium and reproducing the auditor's report on the accounts for the financial period is presented to the Council in the form of a memorandum from the Secretary-General (e.g. document C/46/4 "Financial Situation of the International Union for the Protection of New Varieties of Plants as at December 31, 2011"), according to the Financial Regulations and Rules of UPOV.

4. With regard to expected results and performance indicators, since the thirty-eighth ordinary session of the Council, held in Geneva on October 21, 2004, the annual report of the Secretary-General for the final year of the biennium ("Annual Report for the Final Year") has contained, in an annex, a performance report for the biennium (see, for example, document C/46/2 "Annual Report of the Secretary-General for 2011", Annex III "Performance Assessment Report for the 2010-2011 Biennium"). In addition, the annual report of the Secretary-General for the first year of the biennium ("Annual Report for the First Year") has also included, in an annex, a performance report for the year concerned (see, for example, document C/45/2 "Annual Report of the Secretary-General for 2010", Annex II "Results Table").

5. The current approach means that the performance report for the biennium is not presented independently. Another consequence of the current approach is that results and performance indicators are presented individually for the first year of the biennium but not for the final year of the biennium, because they are combined with the results of the first year of the biennium.

### Proposal

#### *Annual Report of the Secretary-General*

6. It is proposed that the annual report of the Secretary-General presents the results and performance indicators for the year concerned, in a similar way to the presentation of information made in the annual report of the Secretary-General for the first year of the biennium (see, for example, document C/45/2 "Annual Report of the Secretary-General for 2010"). The performance report for the biennium would then be presented in a separate document; for example for the Biennium 2014-2015:

(a) annual report with the results and performance indicators for 2014;

(b) annual report with the results and performance indicators for 2015; and

(c) performance report for the biennium 2014-2015, which would include information on expenditure, total number of posts for the Office of the Union and results and performance indicators by sub-program, on the basis of the program and budget adopted by the Council.

#### *Performance Report for the Biennium*

7. With regard to the document presenting the performance report for the biennium, it is proposed that the document would include information on expenditure, the total number of posts for the Office of the Union and results and performance indicators by sub-program, on the basis of the program and budget adopted by the Council (see, for example, document C/45/4 Rev.2). The presentation of such a document to the Council session in October/November 2014 would also, for example, provide a useful reference document for the Consultative Committee, at its session in March/April 2015, for its consideration of the draft program and budget for the 2016-2017 biennium.

8. In order to present the results and performance indicators in the most informative way, it is also proposed, where appropriate, to increase the use of graphics and to indicate trends over time. As an indication of this proposal, *in addition to the type of information provided in document C/46/2 "Annual Report*

of the Secretary-General for 2011”, Annex III “Performance Assessment Report for the 2010-2011 Biennium” (italics added for emphasis), the following information might be provided in relation to the expected results and performance indicators for the Program and Budget for the 2012-2013 Biennium, as set out in document C/45/4 Rev.2:

Sub-program UV.1: Overall Policy on Plant Variety Protection

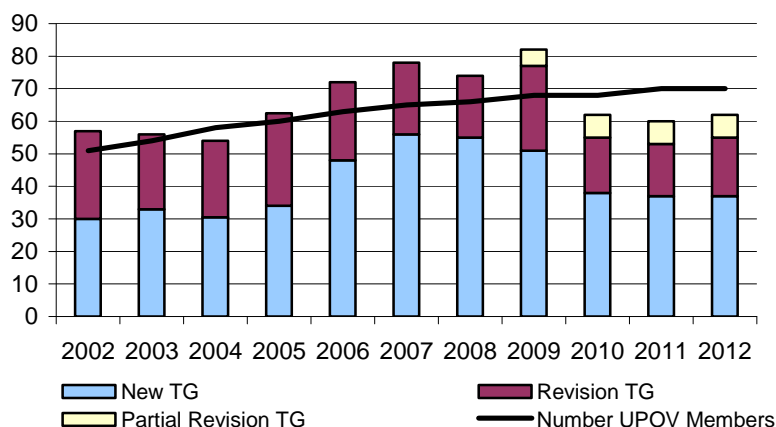
Expected Results	Performance Indicators
1. Organization of Council and Consultative Committee sessions	(a) participation in the sessions of the Council and the Consultative Committee
<p><i>Information to be provided:</i></p> <ul style="list-style-type: none"> <li>to provide a graphical representation of participation in the sessions of the Council and the Consultative Committee (see example for participation in the Technical Committee in Sub-program UV.2, Expected results 4(a))</li> </ul>	

Sub-program UV.2: Services to the Union for Enhancing the Effectiveness of the UPOV System

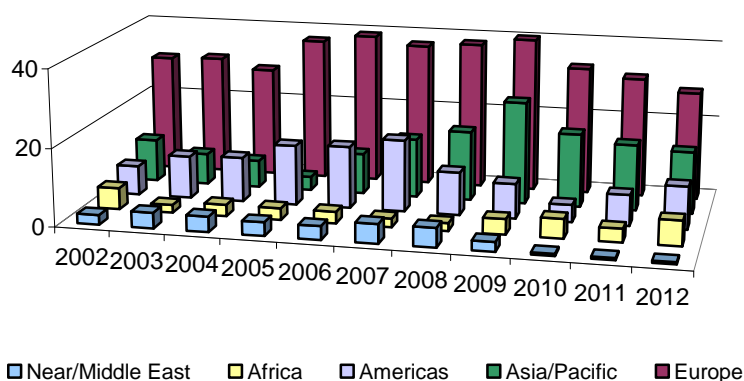
Expected Results	Performance Indicators
3. Cooperation for the examination of plant breeders' rights	(c) participation in the development of Test Guidelines

*Information to be provided (illustrative example):*

**Figure 1. Total number of TGs discussed in TWPs**



**Figure 2. Number of TGs drafted by region (all TWPs)**



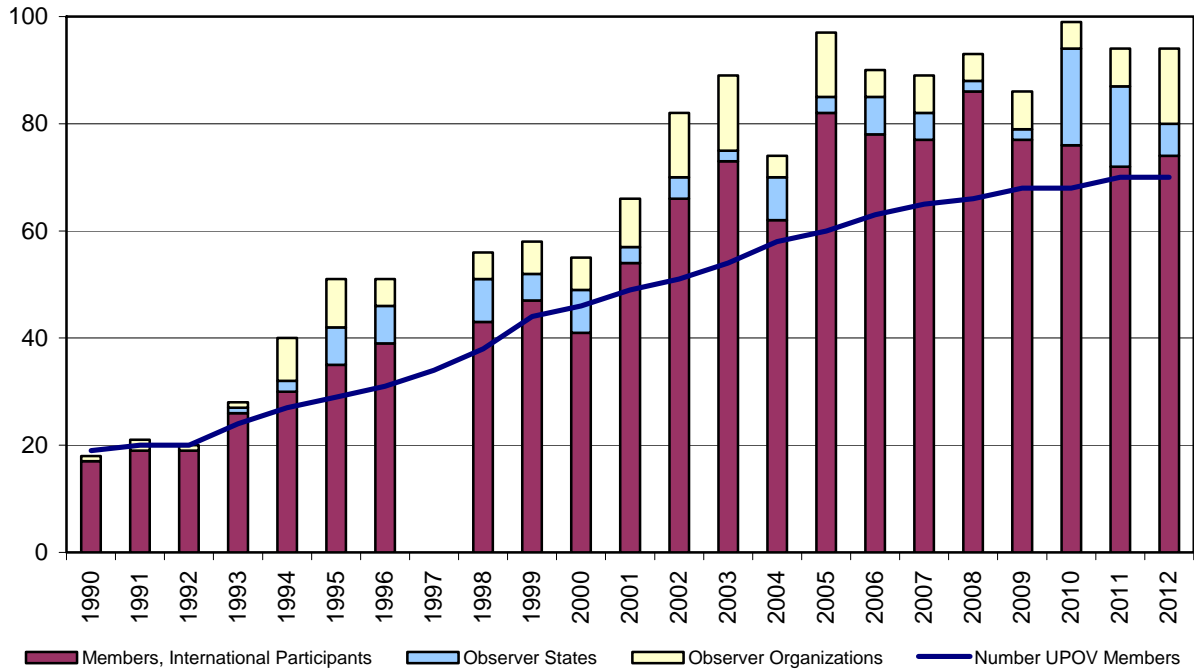
4. Participation by members of the Union and stakeholders in the work of the UPOV bodies

(a) participation in the Administrative and Legal Committee (CAJ), Technical Committee (TC) and Technical Working Parties (TWP) and associated preparatory workshops.

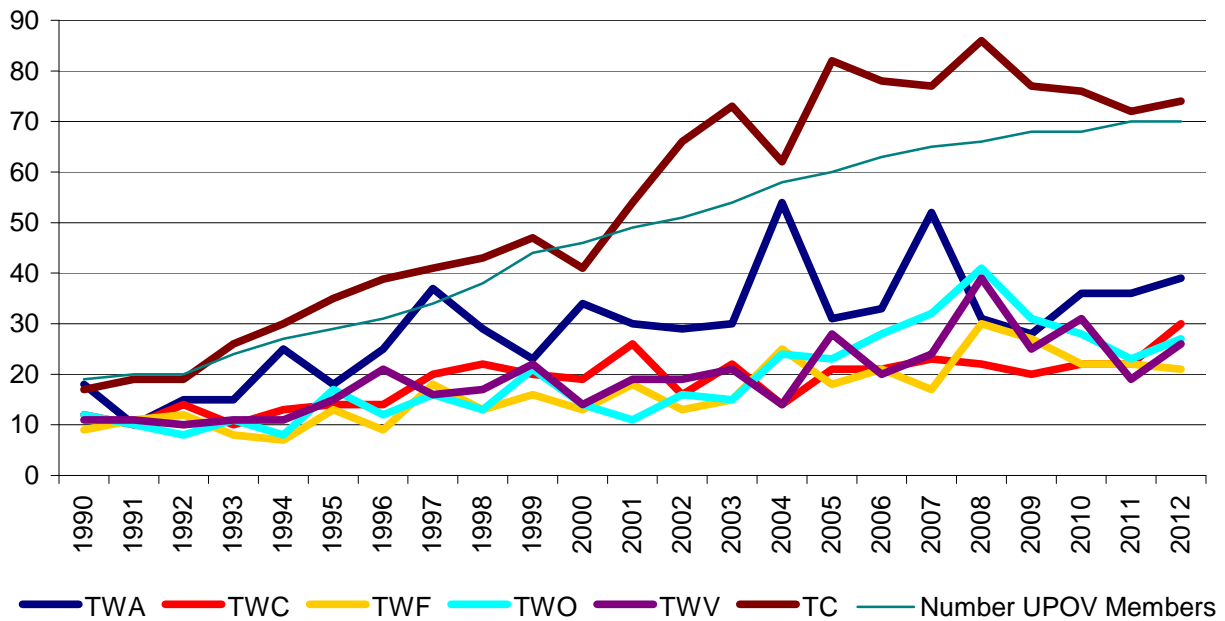
Information to be provided (illustrative example):

**Figure 3. TC - Total Number of Participants (excluding local participants)**


(\*no meeting in 1997)



**Figure 4. Members: Participation (excluding local participants)**



Sub-program UV.3: Assistance in the Introduction and Implementation of the UPOV System

<u>Expected Results</u>	<u>Performance Indicators</u>
1. Raising awareness of the role of plant variety protection in accordance with the UPOV Convention	(c) States and organizations that contact the Office of the Union for assistance in the development of legislation on plant variety protection.
	(d) States and organizations that initiate with the Council of UPOV the procedure for becoming members of the Union.
<p><i>Information to be provided:</i></p> <ul style="list-style-type: none"> <li>to report on States and organizations that have been in contact and on States and organizations that have initiated the procedure in the Biennium (with map)</li> </ul>	
<p>In the Biennium 2011-2012,</p> <p>3 States have initiated the procedure of becoming UPOV members (brown) (Ghana, United Republic of Tanzania, Serbia)</p> <p>9 States + 1 organization have been in contact with the Office of the Union for development of legislation (orange) (Bosnia and Herzegovina, Brunei Darussalam, Honduras, Malaysia, Mauritius, Mozambique, Pakistan, Thailand, Zimbabwe and the African Regional Intellectual Property Organization (ARIPO))</p>  <p>The boundaries shown on this map do not imply the expression of any opinion whatsoever on the part of UPOV concerning the legal status of any country or territory.</p>	

Expected Results	Performance Indicators																																																																																																
4. Assistance in implementing an effective plant variety rights system in accordance with the 1991 Act of the UPOV Convention	(b) participation by observer States and organizations in the CAJ, TC, TWPs and the associated preparatory workshops.																																																																																																
<i>Information to be provided (illustrative example):</i>																																																																																																	
<p style="text-align: center;"><b>Figure 5. TC - Number of Participants (excluding local participants)</b></p> <table border="1"> <caption>Data for Figure 5: TC - Number of Participants (excluding local participants)</caption> <thead> <tr> <th>Year</th> <th>Observer Organizations</th> <th>Observer States</th> <th>Members, International Participants</th> </tr> </thead> <tbody> <tr><td>1990</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>1991</td><td>0</td><td>0</td><td>25</td></tr> <tr><td>1992</td><td>0</td><td>0</td><td>26</td></tr> <tr><td>1993</td><td>0</td><td>0</td><td>26</td></tr> <tr><td>1994</td><td>0</td><td>0</td><td>32</td></tr> <tr><td>1995</td><td>0</td><td>0</td><td>35</td></tr> <tr><td>1996</td><td>0</td><td>0</td><td>40</td></tr> <tr><td>1997</td><td>0</td><td>0</td><td>43</td></tr> <tr><td>1998</td><td>0</td><td>0</td><td>45</td></tr> <tr><td>1999</td><td>0</td><td>0</td><td>46</td></tr> <tr><td>2000</td><td>0</td><td>0</td><td>43</td></tr> <tr><td>2001</td><td>0</td><td>0</td><td>56</td></tr> <tr><td>2002</td><td>0</td><td>0</td><td>67</td></tr> <tr><td>2003</td><td>0</td><td>0</td><td>63</td></tr> <tr><td>2004</td><td>0</td><td>0</td><td>78</td></tr> <tr><td>2005</td><td>0</td><td>0</td><td>77</td></tr> <tr><td>2006</td><td>0</td><td>0</td><td>82</td></tr> <tr><td>2007</td><td>0</td><td>0</td><td>85</td></tr> <tr><td>2008</td><td>0</td><td>0</td><td>75</td></tr> <tr><td>2009</td><td>0</td><td>0</td><td>75</td></tr> <tr><td>2010</td><td>0</td><td>0</td><td>70</td></tr> <tr><td>2011</td><td>0</td><td>0</td><td>72</td></tr> <tr><td>2012</td><td>0</td><td>0</td><td>72</td></tr> </tbody> </table>		Year	Observer Organizations	Observer States	Members, International Participants	1990	0	0	0	1991	0	0	25	1992	0	0	26	1993	0	0	26	1994	0	0	32	1995	0	0	35	1996	0	0	40	1997	0	0	43	1998	0	0	45	1999	0	0	46	2000	0	0	43	2001	0	0	56	2002	0	0	67	2003	0	0	63	2004	0	0	78	2005	0	0	77	2006	0	0	82	2007	0	0	85	2008	0	0	75	2009	0	0	75	2010	0	0	70	2011	0	0	72	2012	0	0	72
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9. In order to avoid unnecessary duplication, the performance report for the biennium would also refer to detailed information provided in the following documents:

(a) Financial situation of the International Union for the Protection of New Varieties of Plants as at the end of the biennium (e.g. document C/46/4 "Financial Situation of the International Union for the Protection of New Varieties of Plants as at December 31, 2011");

(b) Annual report of the Secretary-General (e.g. document C/45/2);

(c) Progress report of the work of the Administrative and Legal Committee (e.g. document C/46/9);  
and

(d) Progress report of the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (e.g. document C/46/10).

10. In order for the Consultative Committee to be able to consider the presentation of information that is proposed, an illustrative document would, if considered appropriate, be prepared for the eighty-sixth session, to be held on October 23, 2013, on the above basis.

11. *The Consultative Committee is invited to:*

*(a) approve the presentation, in the annual report of the Secretary-General, of the results and performance indicators for the year concerned, as set out in paragraphs 2 to 6 of this document;*

*(b) approve the presentation of the performance report for the biennium in a separate document, which would include information on expenditure, the total number of posts for the Office of the Union and results and performance indicators by sub-program, on the basis of the program and budget adopted by the Council, as set out in paragraphs 2 to 9 of this document; and*

*(c) on the basis above, request the Office of the Union to present a document illustrating the proposed presentation of information for the performance report for the biennium, for consideration by the Consultative Committee at its eighty-sixth session, to be held on October 23, 2013.*

## REPORTS BY REPRESENTATIVES OF MEMBERS AND OBSERVERS ON THE LEGISLATIVE, ADMINISTRATIVE AND TECHNICAL FIELDS

### Background

12. Document UPOV/INF/15/2 Draft 2 “Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation”, Part IV “Information to Facilitate Cooperation” explains the information that is provided by members of the Union and the procedures by which that information is collected in relation to:

- DUS examination (GENIE database)
  - Test Guidelines
  - Genera and species for which authorities have practical experience in the dus examination
  - Cooperation in DUS examination
- Variety denominations (PLUTO database)
- Exchangeable software (document UPOV/INF/16 “Exchangeable Software”)
- Plant variety protection statistics document C/[session]/7 “Statistics on Plant Variety Protection for the period [5-year period]”.
- Other developments in members of the Union

13. With regard to “Other developments in members of the Union”, it explains that members of the Union are invited, by means of a Council circular, to report on any other relevant developments in a Council document “Reports by representatives of members and observers”. A model format for such reports is provided with the Council invitation circular (e.g. Circular E-12/183), a copy of which is reproduced in the Annex to this document.

Proposed Template for Reports on Activities for the Promotion of Plant Variety Protection

14. In order to facilitate cooperation and to allow information to be reported in a harmonized and structured manner, it is proposed that the model format for “5. Activities for the promotion of plant variety protection”, provided with the Council invitation circular, include the following template:

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
1.						
2.						
etc.						

*15. The Consultative Committee is invited to approve the inclusion of the template for presentation of information on activities for the promotion of plant variety protection, in the model format for reports to the Council on the situation in the legislative, administrative and technical fields, as set out in paragraphs 13 and 14 of this document.*

[Annex follows]



Extract from Circular E-12/183

**MODEL FORMAT FOR THE REPORTS TO THE COUNCIL ON THE SITUATION  
IN THE LEGISLATIVE, ADMINISTRATIVE AND TECHNICAL FIELDS  
(document C/46/12)**

*This format has been drawn up for members of the Union. The representatives of observer States wishing to report to the Council are invited to base their report on it as far as possible. The representatives of observer organizations wishing to report to the Council should be guided by the nature of their activities and their links with UPOV.*

*For the Office of the Union to be able to prepare document C/46/12 in the four working languages of UPOV, reports will need to reach the Office by e-mail to [upov.mail@upov.int](mailto:upov.mail@upov.int) by **September 7, 2012**, at the latest. Reports received after that date will be included as an addendum to document C/46/12, which will be published after the Council session.*

**I. PLANT VARIETY PROTECTION**

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

- adaptation to the 1991 Act of the Convention
- other amendments, including in respect of fees

1.2 Extension of protection to further genera and species (made or planned)

1.3 Case law

*Note:* Legal texts concerning sections 1.1 and 1.2 should be notified separately to the Office of the Union as required by the UPOV Convention.

2. Cooperation in examination

- Conclusion of new agreements (completed, in progress or planned)
- Amendment of existing agreements (completed, under way or planned)

*Note:* For document C/46/12, please provide only general information. Specific information will be requested in a different format by a separate circular, for presentation in document C/46/5 "Cooperation in examination".

3. Situation in the administrative field

- Changes in the administrative structure
- Changes in office procedures and systems

4. Situation in the technical field

5. Activities for the promotion of plant variety protection

- Meetings, seminars, etc.
- Visits to and from non-members States and organizations
- Publications
- Technical assistance

**II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV**