

Consultative Committee**CC/94/2****Ninety-Fourth Session
Geneva, October 25, 2017****Original: English
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APPOINTMENT OF THE EXTERNAL AUDITOR OF UPOV*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. The purpose of this document is to report on developments with regard to the appointment of the external auditor of UPOV for a term of office of six years starting from January 2018 and to report that the decision of the WIPO General Assembly on the external auditor of WIPO will be reported to the Consultative Committee in the form of an addendum to this document. The addendum will also contain a recommendation, in accordance with the Financial Regulations and Rules of UPOV, concerning the appointment of the External Auditor of UPOV for consideration by the Council at its fifty-first ordinary session.

BACKGROUND

2. The detailed background with regard to the procedures for the appointment of the external auditor of UPOV and of the World Intellectual Property Organization (WIPO) is provided in document CC/90/18 "Procedure for the appointment of the external auditor of UPOV".

3. Article 29(6) of the 1991 Act and Article 25 of the 1978 Act of the UPOV Convention provide that the auditing of the accounts of UPOV shall be effected by a State member of UPOV as provided in the administrative and financial regulations, and that the State shall be designated, with its agreement, by the Council.

4. Regulations 8.1 and 8.2 of the "Financial Regulations and Rules of UPOV" (document UPOV/INF/4/4) provide as follows (changes with respect to WIPO's Financial Regulations and Rules are highlighted):

"Appointment of the External Auditor**"Regulation 8.1**

"The WIPO External Auditor, who shall be the Auditor General (or official holding the equivalent title) of a Member State of WIPO, shall be appointed by the General Assembly of WIPO, in the manner decided by the WIPO Assembly. Where the WIPO External Auditor is the Auditor General (or official holding the equivalent title) of a State member of UPOV, the Council shall designate as External Auditor, with its agreement, the WIPO External Auditor. Where the WIPO External Auditor is the Auditor General (or official holding the equivalent title) of a Member State of WIPO that is not a State member of UPOV, the Council shall designate as External Auditor, with its agreement, the Auditor General (or official holding the equivalent title) of a State member of UPOV."

"Tenure of office of the External Auditor**"Regulation 8.2**

"The External Auditor shall be appointed for a term of office of six years non-renewable consecutively."

5. The Consultative Committee, at its ninety-third session, held in Geneva on April 6, 2017, noted the developments with regard to the procedure to appoint the External Auditor of WIPO for a term of office of six years starting from January 2018, reported in document CC/93/3 "Procedure for the appointment of the External Auditor of UPOV" (see document CC/93/9 "Report on the Conclusions", paragraph 20).

6. The Consultative Committee noted, in particular, that nominations had only been received from WIPO member States that were also members of UPOV, which meant that, in accordance with the Financial Regulations and Rules of UPOV, there was no need for UPOV to launch its own procedure for the appointment of the External Auditor of UPOV (see documents CC/93/3, paragraph 11, and CC/93/9 "Report on the Conclusions", paragraph 20).

7. The General Assembly of WIPO, at its Forty-Ninth (23rd ordinary) Session, to be held in Geneva from October 2 to 11, 2017, will be invited to appoint the Comptroller and Auditor General of the United Kingdom as the WIPO External Auditor for a period of six years, to begin on January 1, 2018 (see document WO/GA/49/4 "Appointment of the External Auditor" available at http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=380465).

8. *The Consultative Committee is invited to note that:*

(a) the decision of the WIPO General Assembly will be reported to the Consultative Committee in the form of an addendum to this document; and

(b) the addendum will also contain a recommendation, in accordance with the Financial Regulations and Rules of UPOV (see paragraph 4, above), concerning the appointment of the External Auditor of UPOV for consideration by the Council at its fifty-first ordinary session.

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