

Consultative Committee**CC/96/13****Ninety-Sixth Session
Geneva, October 31, 2019****Original:** English
Date: October 17, 2019

DEVELOPMENTS OF RELEVANCE TO UPOV IN OTHER INTERNATIONAL FORA*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***EXECUTIVE SUMMARY**

1. This document reports on developments of relevance to UPOV in other international fora since the ninety-fifth session of the Consultative Committee, held in Geneva on November 1, 2018, that are not otherwise reported to the Consultative Committee or other UPOV bodies.

2. The Consultative Committee is invited to:

- (a) note developments in the EAPVP Forum;
- (b) note the developments concerning the CBD;
- (c) note that certain matters concerning cooperation with the CBD are reported in document CC/96/7;
- (d) the developments in the OECD Seed Schemes;
- (e) agree that the Office of the Union cooperate with FAO in relation to the in-depth case studies on status and trends of seed policies and laws, as set out in paragraph 19 of this document;
- (f) note that matters concerning interrelations with the ITPGRFA are reported in document CC/96/7;
- (g) note the developments in the World Intellectual Property Organization (WIPO);
- (h) note the developments in the World Trade Organization (WTO);
- (i) note the developments in the United Nations;
- (j) note the developments concerning the World Seed Partnership;
- (k) agree that WFO be invited to become a full partner in the WSP, as set out in paragraph 42 of this document;
- (l) agree the draft joint paper "Benefits of the WSP for farmers", as reproduced in Annex III of this document, to be posted on the WSP website and to be used for communication purposes;
- (m) note the report of the Joint ISTA/OECD/UPOV Workshop on Molecular Techniques organized by ISTA at its thirty-second Congress;
- (n) note the publication of the OECD study "Concentration in Seed Markets: Potential Effects and Policy Responses"; and
- (o) note that developments concerning the research of Mr. Moscona and CIAT will be provided in an oral report by the Office of the Union to the Consultative Committee at its ninety-sixth session.

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I. EAST ASIA PLANT VARIETY PROTECTION FORUM (EAPVP FORUM)

4. The background to the East Asia Plant Variety Protection Forum (EAPVP Forum) is provided in document CC/95/14 "Developments of Relevance to UPOV in Other International Fora", paragraphs 4 to 7.

5. The EAPVP Forum, at its twelfth annual meeting, held in Beijing, China, on April 24, 2019, adopted a 10-Year Strategic Plan, as reproduced in Annex I to this document, and the Rule of Procedure of the EAPVP Forum.

6. The EAPVP Forum adopted the list of Cooperation Activities in 2019-2020, as reproduced in Annex II to this document. Viet Nam reported on developments of the EAPVP Pilot Project, which is being developed around UPOV PRISMA.

7. The thirteenth annual meeting of the EAPVP Forum is planned to be held in Bandar Seri Begawan, Brunei Darussalam, in May 2020. The Office of the Union plans to attend that meeting.

8. *The Consultative Committee is invited to note developments in the EAPVP Forum.*

II. DEVELOPMENTS UNDER THE AUSPICES OF THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

9. The fourteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP14) was held in Sharm El-Sheikh, Egypt, from November 17 to 29, 2018. The relevant documents are available at: <https://www.cbd.int/conferences/2018/cop-14/documents>.

10. The fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP15) will be held in China, in the last quarter of 2020.

11. Document CC/96/7 "Interrelations with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)" also contains information concerning cooperation with the CBD.

12. *The Consultative Committee is invited to note:*

(a) *the developments concerning the CBD; and*

(b) *that certain matters concerning cooperation with the CBD are reported in document CC/96/7.*

III. ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

OECD Schemes for the Varietal Certification or the Control of Seed Moving in International Trade

Ad Hoc Working Group on Biochemical and Molecular Techniques and Technical Working Group

13. At the meetings of the OECD Seed Schemes *Ad Hoc* Working Group on Biochemical and Molecular Techniques (AHWG) and Technical Working Group (TWG), held in Vienna, Austria, on June 10 and 11, 2019, the Office of the Union made a presentation on "Cooperation between UPOV/ISTA/OECD." The presentation outlined the next steps agreed by the Technical Committee (TC) for future joint activities on biochemical and molecular marker techniques, as set out in document TWP/3/7 "Molecular Techniques," paragraphs 77 to 85 (Cooperation between international organizations). In particular, the Office of the Union explained:

- (1) the preparation of a draft document explaining the principal features of the OECD/UPOV/ISTA systems based on text from the World Seed Partnership and FAQs from the UPOV website;
- (2) the preparation of a survey on biochemical and molecular methods used by members of the Union; and
- (3) that the UPOV BMT would be invited to propose to the TC possible joint actions to be undertaken by OECD, UPOV and ISTA.

14. The OECD Secretariat recalled that the Seed Schemes had already endorsed the 3 proposed initiatives. On the joint document explaining the principal features of each system, the OECD Secretariat proposed to explain the status on the use of biochemical and molecular methods in each system. The OECD Secretariat also recalled the proposal for a joint initiative on the harmonization of terms and definitions used in biochemical and molecular methods.

OECD Seed Schemes Annual Meeting

15. The Annual Meeting of the OECD Schemes for the Varietal Certification or the Control of Seed Moving in International Trade (Annual Meeting) was held in Vienna, Austria, on June 13 and 14, 2019.

16. The Annual Meeting agreed to amend the "Rules and Regulations of the Seed Schemes" and the "Guideline for control plot and field inspection of Seed Crops" to allow the use of the biochemical and molecular marker techniques as supplementary methods for variety certification. The Annual Meeting agreed to include the list of biochemical and molecular marker techniques currently used by Authorities as an Annex to the "Guideline for control plot and field inspection of Seed Crops" (see document TAD/CA/S/RD(2016)6/REV4 "Final list of BMT in use in participating countries").

17. *The Consultative Committee is invited to note the developments in the OECD Seed Schemes.*

IV. DEVELOPMENTS UNDER THE AUSPICES OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

Commission on Genetic Resources for Food and Agriculture (CGRFA)

18. The background to the Commission on Genetic Resources for Food and Agriculture (CGRFA) is provided in document CC/95/14 "Developments of Relevance to UPOV in Other International Fora", paragraphs 15 to 17.

19. The CGRFA, at its Seventeenth Regular Session, held in Rome, Italy, from February 18 to 22, 2019, considered document CGRFA-17/19/9.3 "Status and trends of seed policies and laws" and took note of the review undertaken (see document CGRFA-17/19/9.3/Inf.1), as follows:

"The [CGRFA] considered the document Status and trends of seed policies and laws and took note of the review undertaken. It requested FAO to carry out, in coordination with the Treaty [ITPGRFA] and in consultation with the International Union for the Protection of New Varieties of Plants (UPOV), in-depth case studies for consideration by the Working Group, at its next session. These case studies should consider the effects of seed policies, laws and regulations on: (i) on-farm diversity of plant genetic resources for food and agriculture (PGRFA); (ii) smallholders' access to sufficient, affordable, diversified and locally adapted PGRFA, including farmers' varieties/landraces; and (iii) food security and nutrition under the different seed systems. The Commission requested FAO to clarify the terms 'farmers' seed systems', 'informal seed systems', 'formal seed systems' and 'integrated seed systems', taking into account submissions by Members and observers.'

(see document CGRFA-17/19/Report, available at <http://www.fao.org/3/mz618en/mz618en.pdf>, paragraph 67).

20. The Eighteenth Regular Session of the CGRFA is planned to be held in Rome, Italy, in March 2021. The Office of the Union plans to attend that meeting.

21. The Consultative Committee is invited to agree that the Office of the Union cooperate with FAO in relation to the in-depth case studies on status and trends of seed policies and laws, as set out in paragraph 19 of this document.

Interrelations with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

22. Matters concerning interrelations with the ITPGRFA are considered under agenda item "Interrelation with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)" (see document CC/96/7).

23. The Consultative Committee is invited to note that matters concerning interrelations with the ITPGRFA are reported in document CC/96/7.

V. WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)

24. The background to the IGC is provided in document CC/95/14 "Developments of Relevance to UPOV in other International Fora", paragraphs 23 to 25.

25. In relation to the mandate of the IGC, document WO/GA/51/12 “Report on the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)” available at https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=443934 (see paragraph 9), the General Assembly of WIPO, at its Fifty-First (24th Ordinary) Session, held in Geneva from September 30 to October 9, 2019:

“(i) took note of the information contained in document WO/GA/51/12;

“(ii) agreed to renew the mandate of the IGC for the biennium 2020/2021 as below:

“Bearing in mind the Development Agenda recommendations, reaffirming the importance of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Committee), noting the different nature of these issues and acknowledging the progress made, the WIPO General Assembly agrees that the mandate of the Committee be renewed, without prejudice to the work pursued in other fora, as follows:

“(a) The Committee will, during the next budgetary biennium 2020/2021, continue to expedite its work, with the objective of finalizing an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property which will ensure the balanced and effective protection of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs).

“(b) The Committee’s work in the 2020/2021 biennium will build on the existing work carried out by the Committee, including text-based negotiations, with a primary focus on narrowing existing gaps and reaching a common understanding on core issues¹.

“(c) The Committee will follow, as set out in the table below, a work program based on open and inclusive working methods for the 2020/2021 biennium, including an evidence-based approach as set out in paragraph (d). This work program will make provision for 6 sessions of the Committee in 2020/2021, including thematic, cross-cutting and stocktaking sessions. The Committee may establish *ad hoc* expert group(s) to address a specific legal, policy or technical issue². The results of the work of such group(s) will be submitted to the Committee for consideration.

“(d) The Committee will use all WIPO working documents, including WIPO/GRTKF/IC/40/6, WIPO/GRTKF/IC/40/18 and WIPO/GRTKF/IC/40/19, and the Chair’s Text on the Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, as well as any other contributions of Member States, such as conducting/updating studies covering, *inter alia*, examples of national experiences, including domestic legislation, impact assessments, databases, and examples of protectable subject matter and subject matter that is not intended to be protected; and outputs of any expert group(s) established by the Committee and related activities conducted under Program 4. The Secretariat is requested to continue to update studies and other materials relating to tools and activities on databases and on existing disclosure regimes relating to GRs and associated TK, with a view to identify any gaps, and continue to collect, compile and make available online information on national and regional *sui generis* regimes for the intellectual property protection of TK and TCEs. Studies or additional activities are not to delay progress or establish any preconditions for the negotiations.

“(e) In 2020, the Committee is requested to provide to the General Assembly a factual report along with the most recent texts available of its work up to that time with recommendations, and in 2021, submit to the General Assembly the results of its work in accordance with the objective reflected in paragraph (a). The General Assembly in 2021 will take stock of progress made, and based on the maturity of the texts, including levels of agreement on objectives, scope and nature of the instrument(s), decide on whether to convene a diplomatic conference and/or continue negotiations.

“(f) The General Assembly requests the Secretariat to continue to assist the Committee by providing Member States with necessary expertise and funding, in the most efficient manner, of the participation of experts from developing countries and LDCs, taking into account the usual formula for the IGC.

Work Program – 6 Sessions

¹ Core issues include, as applicable, *inter alia*, definitions, beneficiaries, subject matter, objectives, scope of protection, and what TK/TCEs are entitled to protection at an international level, including consideration of exceptions and limitations and the relationship with the public domain.

² The expert group(s) will have a balanced regional representation and use an efficient working methodology. The expert group(s) will work during the weeks of the sessions of the IGC.

Indicative Dates	Activity
February/March 2020	(IGC 41) Undertake negotiations on GRs with a focus on addressing unresolved issues and considering options for a draft legal instrument Duration 5 days.
May/June 2020	(IGC 42) Undertake negotiations on GRs with a focus on addressing unresolved issues and considering options for a draft legal instrument Duration 5 days, plus, if so decided, a one day meeting of an <i>ad hoc</i> expert group.
September 2020	(IGC 43) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s) Possible recommendations as mentioned in paragraph (e) Duration 5 days.
October 2020	WIPO General Assembly Factual report and consider recommendations
November/December 2020	(IGC 44) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s) Duration 5 days, plus, if so decided, a one day meeting of an <i>ad hoc</i> expert group.
March/April 2021	(IGC 45) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s) Duration 5 days, plus, if so decided, a one day meeting of an <i>ad hoc</i> expert group.
June/July 2021	(IGC 46) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s) Stocktaking on GRs/TK/TCEs and making a recommendation Duration 5 days.
October 2021	WIPO General Assembly will take stock of the progress made, consider the text(s) and make the necessary decision(s)."

"and

"(iii) recognized the importance of the participation of indigenous peoples and local communities in the work of the Committee, noted that the WIPO Voluntary Fund for Accredited Indigenous and Local Communities was depleted, encouraged Member States to consider contributing to the Fund, and invited Member States to consider other alternate funding arrangements." (see document A/59/13 "Summary Report", paragraph 44 available at https://www.wipo.int/edocs/mdocs/govbody/en/a_59/a_59_13.pdf).

26. *The Consultative Committee is invited to note the developments in the World Intellectual Property Organization (WIPO).*

VI. WORLD TRADE ORGANIZATION (WTO)

Council for TRIPS (Trade-Related Aspects of Intellectual Property Rights)

27. The background to this item is provided in documents CC/84/9 Rev. and CC/85/9 both entitled “Developments of relevance to UPOV in other international fora”, paragraphs 58 to 60 and paragraphs 30 and 31, respectively.

Meeting of the Council for TRIPS of February 13, 2019

27. The Council for TRIPS met on February 13, 2019.

28. The Council for TRIPS was chaired by H.E. Ambassador Mr. Walter Werner (Germany). The minutes of the meeting are contained in document IP/C/M/91 of February 21, 2019. The statements made during the meeting are provided in an addendum to document IP/C/M/91 (document IP/C/M/91/Add.1 of April 2, 2019). Both documents are available on the WTO website at: <http://docsonline.wto.org/?language=1>.

29. The Chair of the Council for TRIPS “proposed that, following past practice, agenda items 3, 4 and 5 would be addressed together. He noted that there had been important developments in these areas in many WTO Members. However, these developments had not been shared with the Council. Particularly, there had been no response or update to the Illustrative List of Questions on Article 27.3(b) (IP/C/W/122) since 2003; and only 25 Members had responded at all. Likewise, there had been no notifications to the TRIPS Council of domestic laws that related to the protection of genetic resources and traditional knowledge. He encouraged delegations to submit responses to the Checklist or update their previous responses; as well as to notify any relevant changes in legislation. At the previous meeting, delegations had continued their discussion on two long-standing procedural issues, namely the suggestion first made in November 2012 that the Secretariat update the three factual notes on the Council's previous discussions on TRIPS/CBD and related items; and the proposal initially submitted in October 2010 that the CBD Secretariat be invited to brief the Council on the Nagoya Protocol to the CBD. He said that he had no new developments to report in this regard.” (see document IP/C/M/91 “Minutes of the Meeting”, paragraph 14).

30. The Council for TRIPS “took note of the statements made and agreed to revert to the matters at its next meeting” (see document IP/C/M/91 “Minutes of the Meeting”, paragraph 16).

Meeting of the Council for TRIPS of June 6, 2019

27. The Council for TRIPS met on June 6, 2019.

28. The Council for TRIPS was chaired by H.E. Ambassador Lundeg Purevsuren (Mongolia). The minutes of the meeting will be contained in document IP/C/M/92. At the time of publication of this document, document IP/C/M/92 is not yet available. The statements made during the meeting are provided in an addendum to document IP/C/M/92 (document IP/C/M/92/Add.1 of July 22, 2019). The addendum is available on the WTO website at: <http://docsonline.wto.org/?language=1>

31. The Council for TRIPS dealt with the agenda items “Review of the Provisions of Article 27.3(b)”, “Relationship between the TRIPS Agreement and the Convention on Biological Diversity” and “Protection of Traditional Knowledge and Folklore” simultaneously. The Council for TRIPS did not receive any new submissions in relation to these agenda items. There was a new submission under these agenda items by Mexico (see document IP/C/W/125/Add.25 available at: <http://docsonline.wto.org/?language=1>). There was no consensus at the meeting on the suggestion that the Secretariat update the three factual notes on the Council's previous discussions on TRIPS/CBD and related items; and that the CBD Secretariat be invited to brief the Council on the Nagoya Protocol to the CBD.

Future meetings

32. The next meeting of the Council for TRIPS, which the Office of the Union plans to attend, is scheduled to take place on October 17 and 18, 2019. The meeting will have a special focus on technical cooperation. The Council for TRIPS agreed to invite WTO members and intergovernmental organization observers to the Council for TRIPS, including UPOV, to provide information on their technical cooperation activities relevant to the TRIPS Agreement (see WTO/AIR/IP/26 of September 17, 2019).

33. As in previous years, the Office of the Union intends to prepare a contribution with relevant extracts from documents C/53/2 "Annual report of the Secretary-General for 2018" and C/53/INF/3 "Report on activities during the first nine months of 2019". The document containing the submission of UPOV, which will be entitled "Technical cooperation activities: information from other intergovernmental organizations – International Union for the Protection of New Varieties of Plants", will be made available at the following address of the WTO website: <http://docsonline.wto.org/?language=1>.

34. *The Consultative Committee is invited to note the developments in the World Trade Organization (WTO).*

VII. UNITED NATIONS

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

35. The background to this item is provided in document CC/95/14 "Developments of relevance to UPOV in other international fora", paragraphs 35 to 37.

36. On 17 December 2018, the General Assembly of the United Nations adopted its resolution 73/165, which effectively adopts the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. The text of the adopted Declaration can be found at <https://undocs.org/en/A/RES/73/165>.

37. There was no change in the adopted version of the Declaration to the text of Articles 1, 19 and 28 of the Draft Declaration presented to the Consultative Committee in 2018 (see document CC/95/14, paragraph 36). Following the adoption of the Declaration, the "Open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas" has ceased to function (see <https://ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/WGRuralAreasIndex.aspx>).

38. *The Consultative Committee is invited to note the developments in the United Nations.*

VIII. WORLD SEED PARTNERSHIP (WSP)

39. At its ninety-fifth session, held in Geneva on November 1, 2018, the Consultative Committee considered document CC/95/14 "Developments of relevance to UPOV in other international fora" and received an oral report from the Office of the Union on recent developments in relation to the World Seed Partnership (WSP) (see document CC/95/18 "Report", paragraph 95).

40. On April 15 and 16, 2019, representatives of the WSP partner organizations participated in the second Seedconnect Conference on "Enhancing the potentials of the Nigerian Seed Industry", held in Abuja, Nigeria, to explain the scope and mission of the WSP (<https://seedcouncil.gov.ng/seed-connect-conference/>).

41. At the fringes of the World Seed Congress organized by the International Seed Federation (ISF), in Nice, France, from June 3 to 5, 2019, representatives of the WSP partner organizations participated in an interview for the Seed World website (<https://seedworld.com/roundtable-discussion-catching-up-with-the-world-seed-partnership/>).

42. The World Farmers' Organisation (WFO) currently has the status of Advisory Partner in the WSP. Following discussion on the status of the WFO in the WSP Steering Committee, the representative of the WFO has informed the WSP Steering Committee that WFO would be interested to become a full partner in the WSP. Subject to approval of OECD, UPOV, ISTA and ISF, the WSP plans to invite WFO to join the WSP as a full partner.

43. The WSP Steering Committee has developed a draft joint paper on “Benefits of the WSP for farmers”, a copy of which is attached as Annex III of this document. Subject to agreement by OECD, UPOV, ISTA, ISF and WFO, this joint paper will be published on the WSP Website (www.worldseedpartnership.org/) and used in communications about the WSP. OECD, ISTA, ISF and WFO have approved this draft joint paper.

44. *The Consultative Committee is invited to:*

(a) *note the developments concerning the World Seed Partnership;*

(b) *agree that WFO be invited to become a full partner in the WSP, as set out in paragraph 42 of this document; and*

(c) *agree the draft joint paper “Benefits of the WSP for farmers”, as reproduced in Annex III of this document, to be posted on the WSP website and to be used for communication purposes.*

IX. INTERNATIONAL SEED TESTING ASSOCIATION (ISTA)

Joint ISTA/OECD/UPOV Workshop on Molecular Techniques

45. On June 29, 2019, the Office of the Union made a presentation on the status in UPOV on the use of molecular techniques in DUS examination during the Joint ISTA/OECD/UPOV Workshop on Molecular Techniques, organized by ISTA at its 32nd Congress, held in Hyderabad, India.

46. The Joint Workshop held by ISTA included presentations on developments at OECD, by Mr. Gerry Hall (United Kingdom), and ISTA, by Mr. Giovanni Lopez (DLF Seeds, Netherlands) and Ms. Ksenija Markovic (Maize Research Institute, Serbia).

47. *The Consultative Committee is invited to note the report of the Joint ISTA/OECD/UPOV Workshop on Molecular Techniques organized by ISTA at its thirty-second Congress.*

X. UTILIZATION OF DATA IN THE PLUTO DATABASE

OECD Trade and Agriculture Directorate

48. The Consultative Committee, at its ninety-fourth session, held in Geneva on October 25, 2017, approved the assistance of the Office of the Union to the OECD Trade and Agriculture Directorate in relation to data in the PLUTO database for developing a study on the seed sector and plant breeding activities.

49. On December 4, 2018, OECD published the study entitled “Concentration in Seed Markets: Potential Effects and Policy Responses.” The study is available on the OECD website (see <https://www.oecd.org/publications/concentration-in-seed-markets-9789264308367-en.htm>).

Research Study (Mr. Jacob Moscona)

50. The Consultative Committee, at its ninety-fifth session, held in Geneva on November 1, 2018, approved the assistance of the Office of the Union to Mr. Jacob Moscona in relation to data in the PLUTO database for research on the factors that determine the types of innovations that different countries produce and export in the agricultural sector with the understanding that the results of the study would be made available to UPOV.

International Center for Tropical Agriculture (CIAT)

51. On April 9, 2019, the Office of the Union was approached by Mr. Daniel Amariles, System Analyst, Decision and Policy Analysis Research Area, International Center for Tropical Agriculture (CIAT), for assistance in relation to a CIAT project "The plants that feed world: baseline to underpin strategies for their conservation and use" ("CIAT project"), which is to provide baseline and indicators for conservation and availability for use of plant genetic resources for food and agriculture. A description of the CIAT project is provided in Annex IV to this document.

52. In particular, CIAT explained that the information contained in the UPOV Plant Variety Database (PLUTO database) would be of particular value for the CIAT project and requested authorization to access and download data from the PLUTO database. CIAT also explained that the project should be completed and submitted to the Food and Agriculture Organization of the United Nations (FAO) by September 10, 2019. CIAT agreed to make the results of the project available to UPOV.

53. On May 10, 2019, the Office of the Union issued UPOV Circular E-19/054 to designated persons in the Consultative Committee in order to seek approval to authorize CIAT to access the data in the PLUTO database for the CIAT project. No objection was received from the members of the Union in response to the Circular.

54. On June 17, 2019, the Office of the Union informed CIAT that the Consultative Committee of UPOV approved on May 31, 2019, the authorization for CIAT to access the data in the PLUTO database for the CIAT project with the understanding that CIAT agreed to make the results of the project available to UPOV.

55. The Office of the Union will provide an oral report on any developments concerning the research of Mr. Moscona and CIAT, to the Consultative Committee at its ninety-sixth session.

56. *The Consultative Committee is invited to note:*

(a) the publication of the OECD study "Concentration in Seed Markets: Potential Effects and Policy Responses"; and

(b) that developments concerning the research of Mr. Moscona and CIAT will be provided in an oral report by the Office of the Union to the Consultative Committee at its ninety-sixth session.

[Annexes follow]

10-YEAR STRATEGIC PLAN OF THE EAPVP FORUM (2018-2027)

as adopted at the 12th EAPVP Forum Annual Meeting, held in Beijing, China, on April 24, 2019

The EAPVP Forum,

- *Recalling* the 10th EAPVP Forum Annual Meeting held in Nay Pyi Taw on 11 September 2017 adopted to discuss and prepare the next 10 years plan at the 11th Forum Annual Meeting.
- *Reaffirming* enhanced technical capacity of each country including the DUS examination during the past decade thanks to series of cooperation activities under the Forum. Also recognizing that DUS test stations have been newly established or strengthened in some member countries.
- *Recognizing* that the DUS test guideline for tropical plant discussed under the EAPVP activities, and was considered in the discussion in UPOV Technical Working Parties (TWPs) which have served to provide detailed practical guidance for the harmonized examination of DUS testing.
- *Considering* harmonization of the PVP systems in the region, although some positive movement/development towards becoming UPOV member in some EAPVP member countries appears, further harmonization of the PVP system in East Asian region should be considered.
- *Assessing* the result of consecutive activities of information exchanges and public awareness, further region-specific programs in East Asia region in consistent with UPOV Convention that has function to encourage non-UPOV members in EAPVP Forum to join to the UPOV membership should be encouraged.
- *Noting* different situation and concerns of each Forum member country surrounding PVP as ever discussion in the EAPVP Forum.

has adopted in its 11th EAPVP Forum Annual Meeting and revised at its 12th Annual Meeting as follows:

1. Common Direction

Composition of the Common direction is as follows:

- (a) **“Long-term direction”** as the Forum’s long-term direction reflecting its interests

Establish effective PVP systems consistent with the UPOV Convention among Forum members towards achieving all Forum members’ membership of UPOV, as a basis for further PVP harmonization and cooperation in the region in order to contribute to developing sustainable agriculture and achieving food security

- (b) **“Objectives”** as Forum’s direct goals to be achieved over the next 10 years in Common direction

- **Objective1:**

Strengthen national PVP system consistent with the UPOV Convention to encourage investment in plant breeding

- **Objective2:**

Contribute to support achievement of UPOV membership, to facilitate harmonization of application and examination procedures, and to enhance efficient PVP cooperation in the region

- (c) **“Core activities”** as prioritized activities to achieve the Objective1 and Objective2, national-specific activities and regional cooperation activities, are given, respectively, as follows:

- **National-specific activities** to achieve Objective 1, which will be implemented according to development of each Forum member’s PVP system consistent with the UPOV Convention

- i. *Develop national PVP laws and regulations, with the assistance of the Office of UPOV¹*
- ii. *Establish/strengthen national administrative procedures for implementing PVP system from filing of application to granting rights*

¹ The Forum member who wishes to implement the activities requires an official request to the Office of UPOV for advice and assistance according to the UPOV Convention.

- iii. *Capacity building for examination of applications*
- iv. *Develop DUS test guidelines*
- v. *Awareness raising on UPOV system for relevant officers, policy makers and stakeholders (better understanding of UPOV system and its benefits, etc.)*
- vi. *Strengthen private-public partnership to foster effective PVP system*
- **Regional cooperation activities to achieve Objective 2**
 - i. *Cooperate to develop DUS test guidelines consistent with the UPOV system*
 - ii. *Cooperate to develop a harmonized application form and examination procedure*
 - iii. *Cooperate on trainings and exchange of experience on PVP administration, DUS examination, etc.*
 - iv. *Share best practices for effective enforcement*

The regional cooperation activities would be implemented by plural/whole of Forum members in a cooperative and effective manner

2. Individual Implementing Strategy

Each Forum member is encouraged to produce an Individual Implementing Strategic Plan as its national-level strategy which reflects the Common direction mentioned above in 1. The Individual Implementing Strategy includes national-specific activities taking into account each Forum member's individual circumstances. The Forum members can update its Individual Implementing Strategy on their accord periodically, and are encouraged to share with the Forum member.

The Plan may include:

- i. *National goal (for next 10 years)*
- ii. *Objectives (with analysis of challenges (for next 3 years)*
- iii. *Planned activities (for next 3 years)*
- iv. *Roadmap*

Each Individual Implementing Strategic Plans are presented in the Appendices to this document.

[Annex II follows]

ANNEX II

LIST OF EAPVP COOPERATION ACTIVITIES IN 2019-2020

as adopted at the 12th EAPVP Forum Annual Meeting, held in Beijing, China, on April 24, 2019

The cooperation activities in 2019-2020 were proposed by Forum members. The cooperation activities need to be in line with the Common Direction of the 10-Year Strategic Plan of the EAPVP Forum with a view to streamlining the Forum's cooperation activities toward further harmonization of the PVP system in the region. In this context, the 12th EAPVP Forum Annual Meeting adopted the List of the Cooperation Activities in 2019-2020, as follows:

1. Cambodia

1-1 Title of program: DUS Test Training of Corn

1-2 Proposed date: May 2019 (tentative)

1-3 Proposed venue: General Directorate of Agriculture (Phnom Penh, Cambodia), Banteaydek Agricultural Research Station (Kandal province, 35km from Phnom Penh)

1-4 Expected participants: Department of Crop Industry (MAFF), Department of Industry Property (MIH), Cambodia Research and Development Institute (MAFF), Banteaydek Agricultural Research Station (MAFF) (about 12 persons)

1-5 Note: Some examiners from other member countries may participate in this activity according to budget.

2. Lao People's Democratic Republic

2-1 Title of program: Awareness Workshop on UPOV and Legal Consultation

2-2 Proposed venue: Muong Thanh Luxury Vientiane Hotel, Vientiane, Lao PDR

2-3 Expected participants: UPOV, Ministry of Science and Technology, Ministry of Agriculture and Forestry, Ministry of Health, Ministry of Industry and Commerce and Ministry of Justice (about 50 participants)

2-4 Note: subject to the availability of the English translation of the PVP Law.

3. Malaysia

3-1 Title of program: Stakeholder Consultation with Malaysian NGOs upon Malaysia Acceding as an UPOV Member and Subsequent Review

3-2 Proposed date: April, 2020

3-3 Proposed venue: To be confirmed

3-4 Expected participants: UPOV Legal Advisor, Ministerial Legal Advisor of the Malaysian Ministry of Agriculture and Agro Based Industry, Lead Negotiator for International Treaty: Intellectual Property Working Group – Ministry of Domestic Trade and Consumer Affairs, International Division – Ministry of Agriculture and Agro-Based Industry, International Division – Department of Agriculture, Malaysian Plant Variety Technical Committee Members, Secretariat – PVP Office, Representatives of NGOs (Consumer Association Penang (CAP), Third World Network)

4. Myanmar

4-1-1 Title of Program: Mission of PVP system developed country for Higher Level Officials

4-1-2 Proposed date: June, 2019 (tentative)

4-1-3 Expected venue: Viet Nam

4-1-4 Expected participants: Higher Level Officials in charge of PVP of Myanmar, those of other member countries may join according to budget

4-2-1 Title of Program: PVP System Awareness Workshop among policy maker and private sector

4-2-2 Proposed date: to be confirmed

4-2-3 Expected venue: Department of Agricultural Research, Nay Pyi Taw, Myanmar

4-2-4 Expected participants: UPOV, policy maker and private sector (about 50 participants)

4-3-1 Title of Program: DUS Test Training of Tomato

4-3-2 Proposed date: to be confirmed

4-3-3 Expected venue: Department of Agricultural Research, Nay Pyi Taw, Myanmar

4-3-4 Expected participants: Examiners, Technical Staff (about 20 participants)

4-3-5 Note: Some examiners from other member countries may participate in this activity

5. Thailand

5-1-1 Title of Program: Intensive Seminar on the UPOV System

5-1-2 Proposed date: 28-29 May, 2019 (tentative)

5-1-3 Proposed venue: Bangkok, Thailand

5-1-4 Expected participants: UPOV, DOA officers working on PVP/legislation/administration, Officers from Ministry of Commerce, Representatives of Thai National Farmer Council (about 20 participants)

5-2-1 Title of Program: Training on DUS Testing and Taking Photos

5-2-2 Proposed date: Two days in February, 2020 (tentative)

5-2-3 Proposed venue: Chainat, Thailand

5-2-4 Expected participants: Plant breeders/applicants from public-private sectors and individual/farmer breeders in total 15-20 persons

5-2-5 Note: To be rescheduled according to budget or send examiners to the DUS test training course of other member country

6. Viet Nam
 - 6-1 Title of Program: Improving the globalization capacity for National PVP System
 - 6-2 Proposed date: October - November, 2019
 - 6-3 Proposed venue: Dalat or Danang, Viet Nam
 - 6-4 Expected participants: UPOV, breeders (public and private sectors), officers related to crop production in provinces level including inspectors in MARD

7. EAPVP Pilot project
 - 7-1 Title of Program: Meetings of EAPVP Pilot project
 - 7-2 The third meeting / The forth meeting
 - 7-3 Proposed date: first week of September, 2019 / February, 2020 (TBD)
 - 7-4 Proposed venue: Brunei Darussalam / TBD
 - 7-5 Expected participants: Brunei Darussalam, Japan, Malaysia, Myanmar, Viet Nam and the UPOV Office

[Annex III follows]

The World Seed Partnership

Global agriculture is expected to deliver on a formidable triple challenge:

- First, it must provide **food security**, by ensuring that healthy and nutritious food is available and affordable for the world population
- This needs to be done **sustainably**, by protecting and conserving the planet's resources: producing more food on the same amount of land while using less water and other resources.
- It must also generate incomes and provide **livelihoods** to farmers worldwide, as well as others in the food chain.

Agriculture must respond to these challenges while adapting to climate change and supporting mitigation efforts such as reduced emissions from farming practices and land-use-change. The development of new plant varieties that respond to the effects of climate change, with features such as disease resistance, drought, salt & flood tolerance combined with high yields and good eating quality, need to be combined with farmer access to good quality seed.

High quality seed of new varieties has the potential to improve the sustainability and resilience of farming while raising income for farmers. These benefits will be passed on to consumers in the form of improved food security, greater choice and affordability.

For many countries, agricultural development continues to be central to their wider development prospects. The agricultural sector's potential to drive economic growth, reduce poverty, provide food security and deliver environmental services is also dependent on government policies and regulations that create and shape an enabling business environment.

THE WORLD SEED PARTNERSHIP

The World Seed Partnership (WSP) aims to promote the development of a seed sector that addresses the challenges of food security, sustainability and creating livelihoods at national and global levels.

The WSP is built on the principle that countries need innovation to ensure that all farmers have access to good quality seed of high performing varieties. The WSP works to ensure that **farmers** have the seed and knowledge they need, that the needs of plant **breeders and seed producers** are understood and reflected in policies, **and that governments** have the information and tools they need to develop a regulatory framework that delivers a well-functioning and vibrant seed sector.

Each member of the WSP brings a specific set of skills to the broader challenge:

- **Organisation for Economic Cooperation and Development (OECD)** provides an international framework for agricultural seed trade by varietal **certification**, thereby increasing the availability of high performing varieties.
- **International Union for the Protection of New Varieties of Plants (UPOV)** provides and promotes an effective system of **plant variety protection**, with the aim of encouraging the development of new varieties of plants, for the benefit of society.
- **International Seed Testing Association (ISTA)** is an international association that represents the **seed quality sampling and testing** organisations and laboratories at the world level, helping to ensure that the seeds sown by farmers are of the highest quality.
- **International Seed Federation (ISF)** represents the interests of national seed associations and seed companies at a global level. ISF **works in partnership with the individuals and organizations shaping the policies, treaties conventions and agreements that affect the seed industry**, to ensure that the seed industry speaks with one voice.
- **World Farmers Organization (WFO)** provides access to the **voice of food producers** on the global scene, enhancing their relevance as economic, social and environmental actors.

The WSP offers **an entry point** for countries, by providing them with guidance and expertise to develop a well-functioning seed sector, thereby enabling farmers to have access to high quality seed of new plant varieties.

Signatories:

OECD

UPOV

ISTA

ISF

WFO

[Annex IV follows]

DESCRIPTION OF CIAT PROJECT “THE PLANTS THAT FEED WORLD:
BASELINE TO UNDERPIN STRATEGIES FOR THEIR CONSERVATION AND USE”

The project name is “The plants that feed the world: baseline information to underpin strategies for their conservation and use”, and intends to bring together, for the first time, all the information available from different sources to provide baseline and indicators for conservation and availability for use of plant genetic resources for food and agriculture. The general aim is to develop reproducible sets of indicators that provide an evidence base for the international PGRFA community to prioritize conservation and availability for use among crops. These indicators would be used in a standardized manner to a wide set of plants that are being used in food and agriculture. The methodologies being used will allow these indicators to be reproducible to enable identification of change in status and trends for PGRFA in the future. In addition, the methodologies will be developed to enable future use of data and tools for national-level decision-makers on Treaty implementation will leverage the knowledge gained at global level for their own benefit.

[End of Annex IV and of document]