

Consultative Committee**CC/96/14.****Ninety-Sixth Session
Geneva, October 31, 2019****Original:** English
Date: November 1, 2019

REPORT*adopted by the Consultative Committee**Disclaimer: this document does not represent UPOV policies or guidance*Opening of the session

1. The Consultative Committee held its ninety-sixth session in Geneva on October 31, 2019 and on the morning of November 1, 2019.
2. The session was opened and chaired by Mr. Raimundo Lavignolle (Argentina), President of the Council, who welcomed the participants.
3. The list of participants is reproduced in the Annex to this document.
4. The Vice Secretary-General introduced Ms. Wen Wen, who had joined UPOV under a one-year Fellowship from the Development Center of Science and Technology (DCST), Ministry of Agriculture and Rural Affairs (MARA) of China, starting in September 2019, Ms. Sarra Berich, who had joined UPOV under a 9-month Fellowship for IT related projects, starting in March 2019, and Ms. Trang Thi Thu Tran, who had joined UPOV under an ICS contract, starting in September 2019, as EAPVP Forum Pilot Project Officer.

Adoption of the agenda

5. The Consultative Committee adopted the revised draft agenda, as presented in document CC/95/1 Rev. 2, with the addition of document CC/96/5 Add. "Addendum to the International system of cooperation" under item 14, and agreed to move items 22(a); 9, 10, 12, 11 and 13, in that order, after item 8 and to consider item 16 with item 20.

Preliminary examination of the conformity of the Draft Law of Mongolia on Crop Seed and Variety with the 1991 Act of the UPOV Convention

6. The Consultative Committee considered document C/53/11.
7. The Delegation of Mongolia thanked the Consultative Committee for the preliminary examination of the Draft Law of Mongolia.
8. The Consultative Committee recommended to the Council to:
 - (a) take note of the analysis in document C/53/11;
 - (b) take a positive decision on the conformity of the relevant parts of the Draft Law of Mongolia on Crop Seed and Variety ("Draft Law") with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which would allow Mongolia once the relevant parts of the Draft Law were adopted with no changes and the Law in force, to deposit its instrument of accession to the 1991 Act; and
 - (c) authorize the Secretary-General to inform the Government of Mongolia of the above decision.

Preliminary examination of the conformity of the Draft Plant Variety Protection Act of Afghanistan with the 1991 Act of the UPOV Convention

9. The Consultative Committee considered document C/53/12.
10. The Delegation of Afghanistan thanked the Consultative Committee for the preliminary examination of the Draft Law of Afghanistan.
11. The Consultative Committee recommended to the Council to:
 - (a) take note of the analysis in document C/53/12;
 - (b) take a positive decision on the conformity of the “Draft Plant Variety Protection Act of Afghanistan” (“Draft Law”) with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which would allow Afghanistan once the Draft Law was adopted with no changes and the Law in force, to deposit its instrument of accession to the 1991 Act; and
 - (c) authorize the Secretary-General to inform the Government of Afghanistan of the above decision.

Developments on Book Four “Plant Varieties” of Law Pertaining to the Protection of Intellectual Property Rights of Egypt

12. The Consultative Committee considered document C/53/13.
13. The Delegation of Egypt thanked the Consultative Committee for its consideration of the developments on the Law of Egypt.
14. The Consultative Committee recommended to the Council to:
 - (a) note that certain provisions of Book Four “Plant Varieties” of Law Pertaining to the Protection of Intellectual Property Rights, as last amended in 2019, contained changes in relation to the text of the corresponding provisions of the Draft Law submitted to the Council in 2015 (see document C(Extr.)/32/10 “Report”, paragraph 11, and paragraph 2 of document C/53/13);
 - (b) agree that the changes introduced in Book Four “Plant Varieties” of Law Pertaining to the Protection of Intellectual Property Rights”, as last amended in 2019, presented in document C/53/13 and its Annex II and III, did not affect the substantive provisions of the 1991 Act of the UPOV Convention and, subject to that agreement;
 - (c) reaffirm the decision on conformity of March 27, 2015, and inform the Government of Egypt that the instrument of accession of Egypt could be deposited.

Developments on the New Plant Variety Protection Law of Myanmar

15. The Consultative Committee considered document C/53/14.
16. The Consultative Committee noted the intervention by the Delegation of Myanmar that the provisions of Article 27(b) of the Law would apply only to agriculture crops and that Article 27(c) of the Law excluded fruit, ornamental, vegetable and forest crops from the exception under Article 27(b). It noted the explanation provided by the Delegation that farmers that were not small farmers would pay remuneration to the breeders on farm saved-seed. It further noted that that the provisions of Article 27(b) would be implemented in the regulations.
17. The Delegation of Myanmar thanked the Consultative Committee for its consideration of the developments on the Law of Myanmar.

18. The Consultative Committee recommended to the Council to:

(a) note that the New Plant Variety Protection Law of Myanmar, which had been adopted by the Parliament on September 17, 2019, and published in the Official Gazette on September 24, 2019, contained changes in relation to the text of the Draft Law presented to the Council in 2017 (see document C/51/22 "Report", paragraph 17, and paragraph 2 of document C/53/14);

(b) agree that the changes, as presented in document C/53/14 and its Annex II, did not affect the substantive provisions of the 1991 Act of the UPOV Convention and, subject to that agreement;

(c) reaffirm the decision on conformity of October 26, 2017, and inform the Government of Myanmar that the instrument of accession of Myanmar could be deposited.

Documents proposed for adoption by the Council

19. The Consultative Committee considered document C/53/3 in conjunction with the conclusions of the Technical Committee (TC) at its fifty-fifth session, held in Geneva on October 28 and 29, 2019 (see document TC/55/25 "Report") and the conclusions of the Administrative and Legal Committee (CAJ) at its seventy-sixth session, held in Geneva on October 30, 2019 (see document CAJ/76/9 "Report").

TGP documents

TGP/7: Development of Test Guidelines (Revision) (document TGP/7/7 Draft 1 Rev.)

20. The Consultative Committee considered document TGP/7/7 Draft 1 Rev.

21. The Consultative Committee recommended to the Council to adopt a revision of document TGP/7 "Development of Test Guidelines" (document TGP/7/7), on the basis of document TGP/7/7 Draft 1 Rev.

TGP/8: Development of Test Guidelines (Revision) (document TGP/8/4 Draft 1)

22. The Consultative Committee considered document TGP/8/4 Draft 1.

23. The Consultative Committee recommended to the Council to adopt a revision of document TGP/8 "Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability" (document TGP/8/4), on the basis of document TGP/8/4 Draft 1.

TGP/10: Examining Uniformity (Revision) (document TGP/10/2 Draft 1)

24. The Consultative Committee considered document TGP/10/2 Draft 1.

25. The Consultative Committee recommended to the Council to adopt a revision of document TGP/10 "Examining Uniformity" (document TGP/10/2), on the basis of document TGP/10/2 Draft 1.

TGP/14: Glossary of Terms Used in UPOV Documents (Revision) (document TGP/14/4 Draft 1)

26. The Consultative Committee considered document TGP/14/4 Draft 1.

27. The Consultative Committee recommended to the Council to adopt a revision of document TGP/14 "Glossary of terms used in UPOV documents" (document TGP/14/4), on the basis of document TGP/14/4 Draft 1.

TGP/15: Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS) (Revision) (document TGP/15/2 Draft 2)

28. The Consultative Committee considered document TGP/15/2 Draft 2.

29. The Consultative Committee recommended to the Council to adopt a revision of document TGP/15 "Guidance on the use of Biochemical and Molecular Markers in the examination of Distinctness, Uniformity and Stability (DUS)" (document TGP/15/2), on the basis of document TGP/15/2 Draft 2.

TGP/0: List of TGP documents and latest issue dates (Revision) (document TGP/0/11 Draft 1)

30. The Consultative Committee considered document TGP/0/11 Draft 1.

31. The Consultative Committee recommended to the Council to adopt a revision of document TGP/0 “List of TGP documents and latest issue dates” (document TGP/0/11) on the basis of document TGP/0/11 Draft 1.

Information documents

UPOV/INF/5: UPOV Model Plant Breeders’ Rights Publication (Revision) (document UPOV/INF/5/2 Draft 2)

32. The Consultative Committee considered document UPOV/INF/5/2 Draft 2.

33. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/5 “UPOV Model Plant Breeders’ Rights Gazette” (document UPOV/INF/5/2), on the basis of document UPOV/INF/5/2 Draft 2.

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/6 Draft 1)

34. The Consultative Committee considered document UPOV/INF/22/6 Draft 1.

35. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/22 “Software and equipment used by members of the Union” (document UPOV/INF/22/6), on the basis of document UPOV/INF/22/6 Draft 1.

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/13 Draft 1)

36. The Consultative Committee considered document UPOV/INF EXN/13 Draft 1.

37. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF-EXN “List of INF-EXN Documents and Latest Issue Dates” (document UPOV/INF-EXN/13) on the basis of document UPOV/INF EXN/13 Draft 1.

Financial statements for 2018

38. The Consultative Committee considered document C/53/5.

39. The Consultative Committee recommended to the Council to approve the Financial Statements for 2018.

Arrears in contributions as of September 30, 2019

40. The Consultative Committee considered document C/53/INF/2.

41. The Consultative Committee noted the status of payment of contributions as of September 30, 2019, and noted that, as a result of recent payments, Belgium, Canada and Mexico had no arrears.

42. In reply to a request for clarification from the Delegation of the European Union, concerning the measures that were taken if a country had arrears for several years, the Consultative Committee noted the explanation provided that reminders were sent to the country on a regular basis and that the matter was governed by Article 29(5) of the 1991 of the UPOV Convention (Article 26(5) of the 1978 Act), as follows:

“(a) A State member of the Union which is in arrears in the payment of its contributions may not, subject to subparagraph (b), exercise its right to vote in the Council if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding full year. The suspension of the right to vote shall not relieve such State member of the Union of its obligations under this Convention and shall not deprive it of any other rights thereunder.

“(b) The Council may allow the said State member of the Union to continue to exercise its right to vote if, and as long as, the Council is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.”

Report of the External Auditor

43. The Consultative Committee considered document C/53/6 and noted the information contained in the Report of the External Auditor.

Financing of long-term employee benefits

44. The Consultative Committee considered document CC/96/2.

45. The Consultative Committee noted the developments with regard to financing of long-term employee benefits reported by Ms. Janice Cook Robbins, Director, Finance Division, Department of Program Planning and Finance, in document CC/96/2.

46. In reply to the question by the Delegation of the European Union on whether UPOV had implemented any of the recommendations, Ms. Cook Robbins clarified that the work of the working group was now being considered by various United Nations agencies and within the Finance and Budget Network, a committee which operates across the United Nations' system.

47. The Consultative Committee noted Recommendation 3 of the External Auditor's Report, presented by Ms. Cook Robbins (see document C/53/6 "Report of the External Auditor", Annex):

"UPOV should either formally approve the approach taken by WIPO with regards to placing a restriction on funds or ensure that a separate account is established in line with the Council's decision".

48. The Consultative Committee noted that the Council, at its thirty-third extraordinary session, Geneva, held in Geneva on March 17, 2016, had "decided to establish a separate UPOV bank account to hold funds allocated for financing UPOV's After-Service Health Insurance (ASHI) liability, and that the amount represented by the provisions for ASHI obligations at the end of the 2014-2015 biennium, together with the balance from the 6 per cent charge after deduction of the respective biennium's payments, if any, be transferred to that account starting from the 2016-2017 biennium and to apply to that account the investment policy that WIPO applied to the account for financing WIPO's ASHI liability"(see document C(Extr.)/33/6, para. 8(b)).

49. The Consultative Committee agreed that the approach taken by WIPO to place a restriction on funds within a bank account for the After-Service Health Insurance (ASHI) for UPOV, be presented for a decision by the Council at its fifty-third ordinary session to be held on November 1, 2019, as follows:

"The Consultative Committee recommended to the Council to place a restriction in a UPOV bank account for funds allocated for financing UPOV's After-Service Health Insurance (ASHI) liability, and that the amount represented by the provisions for ASHI obligations at the end of 2016-2017 biennium, together with the balance from the 6 per cent charge after deduction of the respective biennium's payments, if any, be transferred to that account with the restriction starting from the 2018-2019 biennium and to apply to that funds thus restricted in the UPOV bank account the investment policy that WIPO applied to the account for financing WIPO's ASHI liability."

Strategic Business Plan

50. The Consultative Committee considered documents CC/96/3 and CC/96/3 Add. in conjunction with the presentation made by the Office of the Union.

51. The Consultative Committee noted the latest situation with regard to the 10 specific targets that were identified for improvement in the Strategic Business Plan, as set out in Annex I of document CC/96/3.

52. The Consultative Committee noted that developments concerning UPOV PRISMA and a proposal for UPOV PRISMA fees were provided in document CC/96/4 "UPOV PRISMA".

53. In recognition of UPOV's financial stability being dependent on the contributions of members of the Union, the Consultative Committee requested the Office of the Union to include an item and prepare a document, for its ninety-seventh session, in order to provide a summary of the work of the Consultative Group on Long-Term Financial Issues of UPOV and the consideration of those issues by the Consultative Committee.

54. The Consultative Committee agreed to include an item to review Regulation 4.6 of UPOV Financial Regulations and Rules (document UPOV/INF/4/5) at its ninety-seventh session.

55. The Consultative Committee recommended to the Council the following approach for the PLUTO database from November 2020:

(i) free option: the PLUTO database with a search function would be free to all users. Search results would be limited to an on-screen display of a single page of results. There would be no facility to download search results or data from the PLUTO database;

(ii) premium option: users paying a fee would have access to all PLUTO database features and would be able to download data without restrictions. The fee would be CHF 750 per annum;

(iii) members of the Union and data contributors: access to all PLUTO database "premium" features would be free to all members of the Union and data contributors (i.e. OECD); and

(iv) access to PLUTO data could also be granted in cases approved by the Consultative Committee, in a similar way to the assistance provided by the Office of the Union to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

56. The Consultative Committee recommended to the Council to continue to make the GENIE database available without charge to users on the basis that a new feature in UPOV PRISMA based on cooperation in DUS examination information contained in the GENIE database, would be captured in the UPOV PRISMA fee, as appropriate.

57. The Consultative Committee noted the latest staff resourcing plan in the 2018-2019 Biennium, as set out in Annex II to document CC/96/3.

58. The Consultative Committee noted the staff resourcing plan presented in the draft Program and Budget for the 2020-2021 Biennium (document C/53/4), as reproduced in paragraphs 18 and 19 of document CC/96/3.

59. The Consultative Committee agreed to discontinue the arrangement between UPOV and WIPO concerning the UPOV Plant Variety Database (UPOV-WIPO arrangement) as soon as the knowledge transfer and rationalization of the PLUTO database data management had been completed to the satisfaction of the Office of the Union.

Draft Program and Budget for the 2020-2021 Biennium

60. The Consultative Committee considered document C/53/4.

61. The Consultative Committee recommended to the Council to approve the Draft Program and Budget for the 2020-2021 Biennium, as presented in the Annex to document C/53/4 and, in particular,

(a) the amount of contributions from members of the Union;

(b) the proposed maximum ceiling of expenditure in the regular budget being 7,347,285 Swiss francs or the income received in the Biennium, whichever is the lower; and

(c) the total number of posts.

UPOV PRISMA

62. The Consultative Committee considered document CC/96/4, in conjunction with the presentation made by the Office of the Union, and the presentation by ADquation summarizing the results of the survey on the assessment of the value of the service offered by UPOV PRISMA and the suitability of UPOV PRISMA fee.

63. The Consultative Committee received a report from the Vice Secretary-General on the fourteenth Meeting on the Development of an Electronic Application Form (EAF/14), held on October 28, 2019, and noted that the following approach had been agreed to address the issues raised in the ADquation survey:

(a) address technical issues and improve the user experience:

(i) design and integrate semi-automatic testing to identify and eliminate IT bugs;

- (ii) provide a direct communication route to the UPOV PRISMA helpdesk;
 - (iii) redesign user interface for a better user experience;
- (b) develop an approach to ensure that receipt of application data is acknowledged by PVP Offices and that data are duly and promptly processed;
 - (c) introduce new functionalities to improve the value of UPOV PRISMA, within available resources (e.g. DUS Arrangement Tool);
 - (d) introduce measures to ensure that information and forms in UPOV PRISMA are complete and up-to-date and arrange for verification of translations by relevant persons;
 - (e) expand geographical and crop coverage of UPOV PRISMA and inclusion of coverage of national listing, as far as resources allow, with priority being given to items (a) and (b);
 - (f) explore opportunities to facilitate harmonization of forms where appropriate;
 - (g) amend UPOV PRISMA promotion material to focus on the benefits of a smooth and reliable process, rather than time-saving;
 - (h) explore possibilities to assist members of the Union to receive, process and manage application data;
 - (i) revise the UPOV PRISMA terms of use to include agreement of the PBR authority to the following:
 - (i) be part of UPOV PRISMA PBR Application Tool (letter to be signed by the Representative to the UPOV Council of the UPOV member concerned);
 - (ii) provide the Office of the Union with the most recent and updated application forms (including Technical Questionnaire);
 - (iii) provide the Office of the Union with relevant verified translations (if applicable);
 - (iv) complete the "Information for applicants" (PVP Office procedures) to be made available for applicants and provide updates as necessary;
 - (v) test and check the output forms during the relevant Test campaigns;
 - (vi) specify all documents required for accepting a completed application and ensure all required information can be provided in UPOV PRISMA (with an exception for the electronic signature, if appropriate);
 - (vii) accept application data submitted via UPOV PRISMA without the need for further data or information (except for signature);
 - (viii) accept application data by machine-to-machine data transfer or as provided and presented in the output format (PDF), or provide a stylesheet or information that should be displayed on the PDF to be acceptable (e.g. logo);
 - (ix) inform the Office of the Union of any changes or updates in the application forms (including Technical Questionnaire) and accept data according to the earlier version until UPOV PRISMA is updated - UPOV PRISMA will be updated at the next release or within 6 months following notification thereof, whatever is the sooner;
 - (x) acknowledge receipt in UPOV PRISMA of any application data submitted via UPOV PRISMA within 7 days;
 - (xi) PVP Office not to charge a higher application fee when receiving application data through UPOV PRISMA;
 - (xii) communicate information to applicants on the possibility to use UPOV PRISMA;
 - (xiii) permit UPOV to disclose data about the number and crop types of applications received via UPOV PRISMA (no data on individual application will be disclosed).

64. The Consultative Committee noted that it had been agreed at the EAF/14 that the fifteenth meeting (EAF/15) would be held on March 26, 2020 from 2 to 4 pm, with participation by WebEx.

65. The Consultative Committee recommended to the Council to introduce a UPOV PRISMA fee per application at 90 Swiss Francs, starting in January 2020, subject to resolution of the technical issues and improvements being made to the user experience, as set out in paragraph 63(a) above, before a fee was introduced. It further agreed that, where the same variety was submitted for both plant breeders' rights and national listing in the same participating member of the Union, a single UPOV PRISMA fee would be charged at the time of the first submission for the variety.

International system of cooperation

66. The Consultative Committee considered documents CC/96/5 and CC/96/5 Add.

67. The Consultative Committee considered document CC/96/5 Add. and noted the proposals, analysis and information agreed by the Working Group on a possible International System of Cooperation (WG-ISC), at its fifth meeting, held in Geneva on October 30, 2019, in accordance with the mandate and terms of reference for the WG-ISC, as established by the Consultative Committee at its ninety-second session, held in Geneva on October 27, 2016.

68. The Consultative Committee invited the Office of the Union to present a summary of existing work/initiatives relevant for each proposal alongside the proposals of the WG-ISC, at the ninety-seventh session of the Consultative Committee to be held on October 29, 2020.

Communication strategy

69. The Consultative Committee considered document CC/96/6.

70. The Consultative Committee recommended to the Council to revise the text of the FAQ "Benefits of new varieties of plants for society", on the basis of the text of Annex I to document CC/96/6.

71. The Consultative Committee agreed that the draft text for an FAQ on "how the UPOV system supports sustainable development", as set out in paragraph 15 of document CC/96/6 (reproduced below), be circulated for comments and, on the basis of the comments received, the Office of the Union to prepare an updated version of the draft FAQ for consideration by the Consultative Committee at its ninety-seventh session in 2020.

"How does the UPOV system support sustainable development?"

"The vision of the 2030 Agenda for Sustainable Development (see <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>) includes a world where "food is sufficient, safe, affordable and nutritious", there is "sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger" and one in "which development and the application of technology are climate-sensitive, respect biodiversity and are resilient".

"World population is growing and urbanization increasing, which places greater demands on the quantity and quality of agricultural production. At the same time, conservation of biodiversity calls for a halt or reversal to the expansion of agricultural land, while there are parallel demands on agricultural land for food and energy production. This means that there is a need to produce more from existing agricultural land, in a sustainable way.

"The tremendous progress in agricultural productivity in various parts of the world is largely based on improved varieties, combined with improved farming practices. Breeding plant varieties with improved yield, more efficient use of nutrients, resistance to plant pests and diseases, salt and drought tolerance and better adaptation to climatic stress can sustainably increase productivity and product quality in agriculture, horticulture and forestry, whilst minimizing the pressure on the natural environment. At the same time, new varieties that are adapted to the environment in which they are grown increase the choice of healthy, tasty and nutritious food while generating a viable income for farmers.

"The UPOV system of plant variety protection supports long-term investment in breeding and provides a framework for investment in the delivery of seed and other propagating material of varieties suited to farmers' needs. UPOV was created in 1961 for the development of agriculture and, since that time, has proven to be an effective system for supporting all types of breeders: individuals, farmers, SMEs and larger breeding institutes/enterprises, in the private and public sectors.

“From the outset, the UPOV system was conceived to deliver greatest progress in plant breeding and, therefore, to sustain greatest advances in agriculture for the benefit of farmers and society as a whole. This concept is enshrined in the “breeder’s exemption”, a feature unique to the UPOV system, which enables protected plant varieties to be available for further breeding by all breeders.”

72. The Consultative Committee recommended to the Council to approve the proposed text for updating of FAQs and the proposed amendments to the UPOV Distance Learning materials, as set out in Annex II of document CC/96/6, to reflect developments concerning UPOV PRISMA.

73. The Consultative Committee noted the publication of the videos: “Overview of the benefits of the UPOV system (Interview: Peter Button, Vice Secretary-General, UPOV)”; “Impact of UPOV in Canada, Shift in Investments, PBR & Seed Sector Growth (Interview: Anthony Parker, Commissioner, Plant Breeders’ Rights Office, CFIA)”; and “The importance of UPOV in Viet Nam (Interview: Director Nguyen Thanh Minh, Plant Variety Protection Office of Viet Nam)”.

Communication methods

UPOV website

74. The Consultative Committee approved the proposed redesign of the UPOV website as demonstrated at the session and noted the plans for the implementation of the redesigned UPOV website and a new content management system (CMS).

Social media

75. The Consultative Committee noted the developments concerning UPOV’s use of social media and that the @upovprisma Twitter account had been incorporated in the @UPOVint Twitter account.

76. The Consultative Committee approved the following performance indicators for the communication strategy, as follows:

- Visits to UPOV website;
- Number of followers, impressions and engagement rate in Twitter and number of followers and connections in LinkedIn; and
- Participation in workshops.

Presentation of documents

Measures taken and proposals in relation to the organization of a single set of sessions

77. The Consultative Committee considered documents CC/96/8.

78. At the request from the Delegation of the European Union to publish all documents at least four weeks prior to the UPOV sessions, the Office of the Union recalled the timeline previously agreed by the Consultative Committee (see document CC/95/15 “Presentation of Documents”, paragraph 7 (ii) and paragraph 22):

“22. Unless specific publication deadlines apply (e.g. draft program and budget; financial statements, arrears in contributions, report on activities of the first nine months, etc.), it is proposed to implement the three month target for documents with matters for consideration and/or approval/decision and, if necessary, to produce addenda to documents if developments take place closer to the UPOV sessions. The target of six weeks prior to the sessions will continue to apply for other documents.”

79. The Consultative Committee noted the implementation of measures taken in relation to the organization of a single set of sessions, in relation to:

- (i) booking meeting rooms for delegates, as set out in paragraph 7 of document CC/96/8;
- (ii) organization of events of relevance for UPOV, as set out in paragraphs 8 to 13 of document CC/96/8;

- (iii) separation of documents into two types of documents, as set out in paragraph 15 of document CC/96/8;
- (iv) timetable for posting of documents, as set out in paragraph 21 of document CC/96/8; and
- (v) consultation by correspondence between the UPOV sessions, as set out in paragraphs 22 and 23 of document CC/96/8.

80. The Consultative Committee agreed that the presentation of meeting documents on the website in two sections was unnecessary for the reasons specified in paragraph 15 (b) of document CC/96/8.

81. The Consultative Committee noted that the Technical Committee (TC), at its fifty-fifth session, had considered the proposal to organize a seminar to communicate the importance of the technical work conducted in UPOV. The Consultative Committee noted that the TC had decided that further consideration would be needed on the aim and target audience before pursuing the idea further (see paragraph 236 of document TC/55/25 "Report").

Previously approved guidance by UPOV bodies for adoption by the Council

82. The Consultative Committee considered document CC/96/9.

83. The Consultative Committee noted the "Program for improvements to the PLUTO database", as adopted by the CAJ, at its sixty-eighth session, and the proposed revision of Section 3.1.3, as set out in Annex I of document CAJ/76/7.

84. The Consultative Committee noted that the TC had agreed to postpone the amendment to the "Guide to the UPOV Code System" and to explore alternative solutions to enable UPOV Codes to provide useful information on variety groups or types for DUS testing purposes.

85. The Consultative Committee noted that, at the appropriate time, the Council would be invited to adopt the "Program for improvements to the PLUTO database" and the "Guide to the UPOV Code System", which would be made accessible via the [UPOV Collection UPOV/INF document series](#).

86. The Consultative Committee agreed that the UPOV Communication Strategy, UPOV Training and Assistance Strategy, UPOV policy for financing speakers and participants and the Strategic Business Plan, be made available under a standing section for "Reference documents" of the annual sessions for the Consultative Committee and via a new section "Reference documents" on the UPOV website for matters concerning the Consultative Committee, as set out in paragraph 26 of document CC/96/9.

Policy on translation

87. The Consultative Committee considered document CC/96/10.

88. The Consultative Committee noted that, on January 31, 2019, WIPO had issued Office Instruction No. 5/2019 concerning the "Translation of Official WIPO Documentation" (reproduced in the Annex to document CC/96/10).

89. The Consultative Committee noted the UPOV requirements that were not in line with the WIPO policy on translation of official documentation as presented in document CC/96/10, and requested the Office of the Union to prepare a document on the UPOV policy on translation containing UPOV requirements and rationalization and cost-containment measures for consideration by the Consultative Committee and the Council in 2020, as set out in paragraphs 18 and 19 of document CC/96/10.

Program for the use of the Russian language in UPOV

90. The Consultative Committee considered document CC/96/11.

91. The Consultative Committee noted the report of the Delegation of the Russian Federation and that the Russian Federation had translated a number of UPOV documents into Russian and had made them available on the State Commission website.

92. The Consultative Committee noted developments reported in document CC/96/11 and the oral report by the Vice Secretary-General on the ongoing discussions between the Office of the Union and the Russian Federation.

93. The Consultative Committee noted that developments on the implementation of the program for the use of the Russian language in UPOV approved by the Council would be reported at the ninety-seventh session of the Consultative Committee in 2020.

Reports from new members of the Union

94. The Consultative Committee considered document CC/95/13.

95. The Consultative Committee noted that Montenegro had not been able to make a presentation at the Consultative Committee, at its ninety-sixth session.

95. The Consultative Committee noted the information on progress in the implementation of the UPOV system by OAPI and by the United Republic of Tanzania and that the presentations by OAPI and the United Republic of Tanzania would be posted in the Consultative Committee section of the UPOV website.

96. The Consultative Committee agreed not to invite presentations by new members of the Union at its ninety-seventh session and agreed to include an item for "Providing support for new members of the Union".

Developments of relevance to UPOV in other international fora

97. The Consultative Committee noted the developments reported in document CC/96/13.

98. The Consultative Committee agreed to propose to the Council 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 document CC/96/13, and reproduced below:

"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).

99. The Consultative Committee agreed to propose to the Council that the World Farmers' Organisation (WFO) be invited to become a full partner in the WSP, as set out in paragraph 42 of document CC/96/13, and reproduced below:

"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."

100. The Consultative Committee agreed to propose that the Council approve the draft joint paper "Benefits of the WSP for farmers", as reproduced in Annex III to document CC/96/13, to be posted on the WSP website and to be used for communication purposes.

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

101. The Consultative Committee noted the developments in document CC/96/7.

102. The Consultative Committee noted that the Office of the Union had arranged a meeting with Mr. Kent Nnadozie, Secretary of the ITPGRFA, and Mr. Worku Damena Yifru, Senior Legal Officer of the CBD on November 22, 2019, in Montreal.

103. The Consultative Committee agreed that matters concerning “Interrelations with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)” be included in the item “Developments of relevance to UPOV in other international fora”.

104. The Consultative Committee noted the information provided by the Delegation of the United States of America and Canada on a Seminar “Implementing farmers rights: farmers and innovation” being organized by Canada and the United States of America, on Tuesday, November 12, 2019, at the fringes of the Eighth Session of the Governing Body of the ITPGRFA.

105. The Consultative Committee noted the intervention by the Netherlands concerning the “Report and Recommendations of the project ‘Options to interpret the notion of private and non-commercial use as included in Article 15. 1. I of the UPOV 1991 Convention’” by Oxfam, Plantum and Euroseeds, concerning small holder farmers. The Consultative Committee agreed to invite the authors to make a presentation at the ninety-seventh session of the Consultative Committee in 2020.

Preparation of the calendar of meetings

106. The Consultative Committee recommended to the Council to approve the calendar of meetings in 2020, and to note the tentative dates of meetings in 2021 and 2022, as set out in document C/53/8, with the following changes for 2020:

Consultative Committee

~~[WG-ISC/5 — October 28 (evening)~~

~~Working Group on a Possible International System of Cooperation (WG-ISC)]~~

Administrative and Legal Committee

EAF/15 March 26 (morning afternoon)

~~[WG-DEN/6 — October 27 (evening)~~

~~Working Group on Variety Denominations (WG-DEN)]~~

Matters for information:

107. The Consultative Committee noted the following documents under item 22 “Matters for information”, which had been posted for information on the CC/96 webpage:

“(b) Internal oversight and the WIPO Independent Advisory Oversight Committee (IAOC) (document CC/96/INF/2)

“(c) Observers in UPOV bodies (document CC/96/INF/3)

“(d) Situation concerning those States and intergovernmental organizations which have initiated the procedure for acceding to the UPOV Convention or which have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention (document CC/96/INF/4)”

108. The Consultative Committee was informed by the Office of the Union that, in addition to the information provided in document CC/96/INF/3 “Observers in UPOV”, experts from the United Arab Emirates had been issued with *ad hoc* invitations to attend the fifty-fifth session of the TC, held on October 28 and 29, 2019, and the seventy-sixth session of the CAJ, held on October 30 2019.

Draft press release

109. Subject to developments in the Council, the Consultative Committee recommended to the Council to approve the draft press release contained in the Annex to document C/53/10 Prov.

Program for the ninety-seventh session

110. The following program was agreed for the ninety-seventh session of the Consultative Committee:

1. Opening of the session
2. Adoption of the agenda
3. Appointment of the Secretary-General
4. Extension of the appointment of the Vice Secretary-General
5. Preliminary examination of the conformity of the legislation or proposed legislation of any State or organization having submitted a request under Article 34(3) of the 1991 Act of the UPOV Convention
6. Documents proposed for adoption by the Council
7. Financial statements for 2019
8. Arrears in contributions as of September 30, 2020
9. Financial Management Report for the 2018-2019 Biennium
10. Report of the External Auditor
11. Strategic Business Plan
12. Preparation of the Draft Program and Budget for the 2022-2023 Biennium
13. Financing of long-term employee benefits
14. Review of Regulation 4.6 of the UPOV Financial Regulation and Rules
15. Summary of the work of the Consultative Group on Long-term Financial Issues of UPOV
16. Communication strategy
17. Program for the use of the Russian language in UPOV
18. Policy on translation
19. Proposals on international cooperation
20. Providing support to new members of the Union
21. Developments of relevance to UPOV in other international fora
22. Report on an initiative concerning small holder farmers
23. Preparation of the calendar of meetings
24. Matters for information*:
 - (a) Internal oversight and the WIPO Independent Advisory Oversight Committee (IAOC)
 - (b) Observers in UPOV bodies
 - (c) Situation concerning those States and intergovernmental organizations which have initiated the procedure for acceding to the UPOV Convention or which have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention
25. Draft press release

26. Program for the ninety-eighth session
27. Adoption of the report on the conclusions (if time permits)
28. Closing of the session

111. This report was adopted by the Consultative Committee at the close of its session, on November 1, 2019.

[Annex follows]

ANNEXE / ANNEX / ANLAGE / ANEXO

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres /
in the alphabetical order of the French names of the Members /
in alphabetischer Reihenfolge der französischen Namen der Mitglieder /
por orden alfabético de los nombres en francés de los miembros)

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