



APBREBES Association for Plant Breeding for the Benefit of Society

23nd October 2015

Proposals for the UPOV policy on documents, including communications provided by observers

The Consultative Committee at its 89th session in March 2015 agreed to consider proposals in relation to a policy on documents, including communications provided by observers, at its 90th session.[\[1\]](#)

APBREBES considers this decision timely and a necessary step for UPOV. We hereby submit the following proposals for the new policy on documents. The proposals below are in line with the general trend and practice among many intergovernmental organizations and United Nations treaties over the last decade to expand transparency and participatory mechanisms, in line with internationally recognized principles of good governance.

1. Access to documents of the Consultative Committee

Many pertinent issues are discussed in the Consultative Committee but documents prepared for the Committee's meetings and the report of these meetings are so far not made publicly available to observers and the broader public. An analysis[\[2\]](#) published in 2011 has shown that neither the World Intellectual Property Organization (WIPO) nor the Convention on Biological Diversity or the International Treaty on Plant Genetic Resources for Food and Agriculture restrict access to documents. In the case of United Nations treaties, the practice is now to even post on the relevant treaty website negotiation texts as they evolve, accessible by government delegations and observers.

In addition, the Freedom of Information Acts of various UPOV members allows access to documents of the Consultative Committee, allowing APBREBES to publish these documents on its website. This results in a paradoxical situation whereby interested members of the public can only access CC documents using the APBREBES website and not the UPOV website. To end this peculiar situation, **APBREBES proposes that all documents of the Consultative Committee be made publicly available on the UPOV website.**



2. Reports of sessions of UPOV bodies

In order to enhance the transparency of the discussion and decision-making inside UPOV, APBREBES suggests that at least for the Council, the Consultative Committee and the Administrative and Legal Committee the interventions by Members and observers are fully reproduced *verbatim*. Such reporting is already used successfully by WIPO for its Governing Bodies and its Committees as well as by other intergovernmental organizations. Such reporting would make it easier for interested governmental representatives as well as other stakeholders, who are not able to be present on-site, to follow the discussion. This would be especially beneficial for representatives of developing countries, which due to various constraints are often unable to attend UPOV meetings and are under-represented in UPOV bodies. Therefore APBREBES proposes that **statements made by UPOV Members and observers are reproduced *verbatim* in their entirety in the reports of the UPOV Council, the Consultative Committee and the Administrative and Legal Committee.**

3. Written comments by observers

It has been APBREBES's experience that written comments by observers have not always been posted on UPOV's website in a timely manner. For example, in 2014, APBREBES submitted written comments on various explanatory notes. The submission was dated 21st June 2014 but was only publicly posted on UPOV's website in September, thus reducing the time for UPOV Members to consider APBREBES's views on complex issues such as those in the explanatory notes. Therefore, APBREBES suggests including in UPOV's policy on documents that **Written Comments including those provided by observers should be promptly posted on UPOV's website and circulated to UPOV Members in advance of consideration of the agenda item that is commented on or within a week of receipt by the Secretariat, whichever is earlier.**

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[1] see C(EXTR.)/32/5 para 22

[2] Monagle, C. (2011), "Observer Status and Access to Documents Comparative Analysis across Selected International Organizations", available at https://www.evb.ch/fileadmin/files/documents/Saatgut/Observer_Status_and_Access_to_Documents.pdf