

Consultative Committee

CC/98/14

Ninety-Eighth Session
Geneva, October 28, 2021

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to be considered by correspondence

EXTENSION OF THE APPOINTMENT OF THE VICE SECRETARY-GENERAL AND PROCEDURE FOR THE APPOINTMENT OF A NEW VICE SECRETARY-GENERAL

Document prepared by the Secretary-General

Disclaimer: this document does not represent UPOV policies or guidance

1. The purpose of this document is to present proposals for the extension of the appointment of the Vice Secretary-General and the procedure for the appointment of a new Vice Secretary-General.
2. The Consultative Committee is invited to:
 - (a) recommend to the Council to extend the appointment of the Vice Secretary-General from December 1, 2022, until October 22, 2023;
 - (b) recommend to the Council to approve the procedure and timetable for the appointment of the new Vice Secretary-General, including:
 - (i) the circular announcing the vacancy and the general description of the post and an outline of the conditions of employment of the post, as provided in the Annex to this document;
 - (ii) announcing the appointment of the Vice Secretary-General at the Assistant Secretary General (ASG) grade of the United Nations common system, thereby avoiding the need for a consideration of a promotion after the Vice Secretary-General has been in post for one year; and
 - (iii) the course of action and timetable, as set out in paragraph 17.

EXTENSION OF THE APPOINTMENT OF THE VICE SECRETARY-GENERAL

3. On October 25, 2020, the Council extended the appointment of the Vice Secretary-General from December 1, 2021, until November 30, 2022, in a procedure by correspondence (see document C/54/17 "Outcome of consideration of documents by correspondence", paragraphs 14 and 15).
4. After consultation with the President of the Council, the Secretary-General recommends the extension of the appointment of the Vice Secretary-General until October 22, 2023, at which time Mr. Button will reach the retirement age of 65.
5. *The Consultative Committee is invited to recommend to the Council to extend the appointment of the Vice Secretary-General from December 1, 2022, until October 22, 2023.*

PROCEDURE FOR THE APPOINTMENT OF A NEW VICE SECRETARY-GENERAL

Background

6. The appointment of a new Vice Secretary-General is governed by the UPOV Convention and the Agreement between the World Intellectual Property Organization and the International Union for the Protection of New Varieties of Plants (WIPO/UPOV Agreement) as follows:

(a) the UPOV Convention (Article 26(5)(iii) of the 1991 Act and Article 21(b) of the 1978 Act) establishes that the Council of UPOV shall appoint the Secretary-General of UPOV and, if it finds it necessary, a Vice Secretary-General and shall determine the terms of appointment of each; and

(b) the WIPO/UPOV Agreement (document UPOV/INF/8), signed on November 26, 1982, Article 5 provides as follows:

“(1) There shall be a Vice Secretary-General of UPOV.

“(2) Notwithstanding the hierarchical subordination of the Vice Secretary-General of UPOV to the Secretary-General of UPOV, the Vice Secretary-General of UPOV shall have the right:

“(i) to be present at all the meetings of UPOV,

“(ii) to report direct to the Council of UPOV whenever he is in disagreement with any act, plan or proposal of the Secretary-General of UPOV.”

Furthermore, Article 7(1) of the same WIPO/UPOV Agreement, states that:

“(1) Appointment of the Vice Secretary-General of UPOV and the possible termination of his appointment for disciplinary reasons or reasons of incapacity to fulfill his duties shall take place after the Council of UPOV has sought the agreement of the Secretary-General of UPOV to the said appointment or dismissal.”

Proposed course of action and timetable

7. Based on previous practice on the appointment of Vice Secretary-Generals, the procedure involves the following steps: firstly, issue of a circular announcing the vacancy with a general description and the conditions of employment of the post; secondly, circulation of the applications received to the members of the Union; thirdly, consideration by the Consultative Committee of the applications and selection of candidates for interviews, normally with the assistance of a Sub-Committee; and, finally, based on the recommendation of the Consultative Committee, proposal of a candidate to the Council, after seeking the agreement of the Secretary-General.

Circular announcing the vacancy

8. A draft circular based on the most recent circular for that purpose (Circular No. C.U. 3659 of May 29, 2009), announcing the vacancy and the general description of the post and an outline of the conditions of employment of the post, is provided in the Annex to this document, with changes to previous version shown in revisions mode. The proposed changes incorporate the proposals in the following paragraphs.

Appointment grade

9. Circular No. C.U. 3659 of May 29, 2009, announced that the appointment would be made either at the D-2 or Assistant Secretary General (ASG) grade of the United Nations common system depending upon the qualifications and experience of the successful applicant.

10. The Council, at its twenty-seventh extraordinary session, held in Geneva on March 26, 2010, appointed Mr. Peter John Button as the new Vice Secretary-General of UPOV for the period from December 1, 2010 to November 30, 2012 at the D-2 level (see document C(Extr.)/27/3 “Report on the Decisions”, paragraph 7).

11. In light of the responsibilities, performance and experience of the Vice Secretary-General, after consultation with the President of the Council, and in accordance with past practice, the Secretary-General recommended the promotion of the Vice Secretary-General to the Assistant Secretary General (ASG) grade of the United Nations common system, starting from January 1, 2012. The Council, at its forty-fifth ordinary session, held in Geneva on October 20, 2011, on the basis of the recommendation of the Consultative Committee at its eighty-second session, held in Geneva on October 19, 2011, and on the morning

of October 20, 2011, approved the promotion of the Vice Secretary-General to the Assistant Secretary General (ASG) grade of the United Nations common system, starting from January 1, 2012.

12. In order to provide greater clarity and transparency, the Consultative Committee may wish to consider announcing that the appointment of the Vice Secretary-General would be made at the Assistant Secretary General (ASG) grade of the United Nations common system, thereby avoiding the need for consideration of a promotion after the Vice Secretary-General has been in post for one year.

Sub-Committee

13. As a part of the procedure for the appointment of a new Vice Secretary-General, the Consultative Committee decided, at its seventy-seventh session, to establish an *Ad hoc* Sub-Committee of the Consultative Committee, charged with the preparatory work for the consideration by the Consultative Committee of the applications received for the post of Vice Secretary-General and interviewing the selected candidates for that post.

14. The Consultative Committee agreed that the composition of the *Ad hoc* Sub-Committee should be based on the composition of the Consultative Group after reflecting relevant personnel changes and developments concerning the members of the Union. On that basis, the composition of the *Ad hoc* Sub-Committee was as follows:

Chair	President of the Council
Argentina	Mr. Marcelo Labarta
Australia	Mr. Doug Waterhouse
European Community	Mr. Jacques Gennatas
France	Ms. Nicole Bustin
Germany	Mr. Friedel Cramer
Japan	Mr. Yasuhiro Kawai
Kenya	Mr. John Kedera
Mexico	Ms. Enriqueta Molina Macías
Netherlands	Mr. Marien Valstar
Russian Federation	Mr. Valery Shmal
Spain	Mrs. Alicia Crespo Pazos
United States of America	Mrs. Kitisri Sukhapinda

15. The Consultative Committee further agreed that there should be some flexibility in the composition of the *Ad hoc* Sub-Committee to allow for additions, as considered appropriate by the President of the Council, in conjunction with the Office of the Union.

16. In accordance with the previous procedure, it is proposed to add an agenda item for the ninety-ninth session of the Consultative Committee, to be held on October 27, 2022, to consider applications received for the post of Vice Secretary-General and to establish an *Ad hoc* Sub-Committee, charged with interviewing the selected candidates at the beginning of 2023.

Timetable

17. On the basis above, the following course of action and timetable is proposed:

- (i) to approve a circular, announcing the vacancy and the general description of the post and an outline of the conditions of employment of the post, as provided in the Annex to this document;
- (ii) to request the Secretary-General to announce the vacancy by the end of May 2022;
- (iii) to establish a deadline for the receipt of applications by August 31, 2022;

(iv) to send to each member of the Union, as soon as possible after August 31, 2022, a copy of the applications received;

(v) to add an agenda item for the ninety-ninth session of the Consultative Committee, to be held on October 27, 2022, to consider applications received for the post of Vice Secretary-General, to establish an *Ad hoc* Sub-Committee based on previous practice on the appointment of Vice Secretary-Generals, charged with interviewing the selected candidates at the beginning of 2023 and to decide on the topic for a presentation to be made by the candidates selected for interview;

(vi) by end of January/beginning of February 2023, to arrange an informal meeting of members of the Union to listen to 10 to 15 minute presentations by the candidates selected for interview in the morning and to arrange for the selected candidates to meet with the *Ad hoc* Sub-Committee in the afternoon;

(vii) by the end of February 2023, to send a report of the meeting of the *Ad hoc* Sub-Committee to the members of the Union;

(viii) to convene the one hundredth session of the Consultative Committee and an extraordinary session of the Council on March 23, 2023, and after seeking the agreement of the Secretary-General, to make a recommendation on the appointment of the new Vice Secretary-General to the Council.

18. The Consultative Committee is invited to recommend to the Council to approve the procedure and timetable for the appointment of the new Vice Secretary-General, including:

(a) the circular announcing the vacancy and the general description of the post and an outline of the conditions of employment of the post, as provided in the Annex to this document;

(b) announcing the appointment of the Vice Secretary-General at the Assistant Secretary General (ASG) grade of the United Nations common system, thereby avoiding the need for a consideration of a promotion after the Vice Secretary-General has been in post for one year; and

(c) the course of action and timetable, as set out in paragraph 17.

[Annex follows]

DRAFT CIRCULAR ANNOUNCING THE VACANCY AND THE GENERAL DESCRIPTION OF
THE POST OF VICE SECRETARY-GENERAL AND
AN OUTLINE OF THE CONDITIONS OF EMPLOYMENT OF THE POST
(CHANGES TO VERSION C.U. 3659 ARE SHOWN IN REVISIONS MODE)

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The Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV) presents his compliments and has the honor to communicate the following:

1. The current extension of the appointment of the Vice Secretary-General of UPOV will end on ~~November 30, 2010~~[October 22, 2023](#).
2. The post of Vice Secretary-General will thus become vacant on ~~December 1, 2010~~[October 23, 2023](#). The appointment of a new Vice Secretary-General is the prerogative of the Council of UPOV, which, before making the appointment, must seek the agreement of the Secretary-General (see the Agreement between WIPO and UPOV (Article 7(1))).
3. The members of the Union and the representatives of those members to the Council of UPOV are hereby invited, if they so desire, to present one or more candidates for the post of Vice Secretary-General of UPOV.
4. The conditions applicable are set forth in the Appendix to this Circular. Among those conditions, it should be borne in mind that any candidature has to reach the Secretary-General of UPOV by August 31, ~~2009~~[2022](#). ~~Three copies of the application form to be used are enclosed.~~

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Enclosure: ~~Application form~~

Distribution: Ministers for Foreign Affairs of members /
[Executive Heads of member organizations](#) ~~President of member organization~~

Copy for information: – Ministers for Agriculture of members
– Permanent Missions of members
– Representatives of members to the Council

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2.

5. A document containing full information on the candidate or candidatures that have been validly received will be distributed to the representatives of members to the Council of UPOV as soon as possible after August 31, ~~2009~~2022.

6. The Consultative Committee, at its ~~seventy-eighth~~ninety-ninth session to be held on October ~~24~~27, ~~2022~~09, will consider applications received for the post of Vice Secretary-General with the assistance of an *Ad hoc* Sub-Committee, charged with interviewing the selected candidates at the beginning of 20~~23~~40.

7. Upon instruction by and in the name of the President of the Council of UPOV, the Council of UPOV is hereby convened to meet in extraordinary session at the headquarters of UPOV on March ~~23~~6, ~~2023~~40, to appoint the new Vice Secretary-General of UPOV. No observers will be invited to that agenda item.

~~May 29, 2009~~May XX, 2022

Post of Vice Secretary-General of the
International Union for the Protection of New Varieties of Plants

Principal Duties and Responsibilities

The incumbent of the post of Vice Secretary-General of UPOV:

- (1) takes part in all meetings of the Council and of the Consultative Committee of UPOV;
- (2) takes part according to need in any other meeting convened by UPOV;
- (3) subject to the directives of the Council of UPOV and the responsibilities of the Secretary-General of UPOV:
 - (i) prepares reports, working documents, meetings, programs and publications on matters within the competence of UPOV;
 - (ii) supervises the execution of the program and budget of UPOV;
 - (iii) maintains contacts with ~~national~~ administrations [of members of the Union](#) and governmental and non-governmental organizations;
 - (iv) cooperates with the departments of the International Bureau of the World Intellectual Property Organization (WIPO) in matters concerning the services rendered to UPOV by that Bureau.

Qualifications, Experience, Nationality, etc.

Any candidate to the post of Vice Secretary-General of UPOV:

- (1) should be the holder of a university degree in law or agricultural science;
- (2) must have wide experience in the application of laws ~~of his or her country~~ on the protection of new varieties of plants, and also in the application of the UPOV Convention;
- (3) should be held in high regard at the national and international levels as a specialist in matters within the competence of UPOV and as an administrator;
- (4) must have a mastery of at least one of the four official languages of UPOV (English, French, German and Spanish) and at least a sound knowledge of one of the other three; some knowledge of either one of the other languages would also be desirable;
- (5) must be a national of a member of UPOV.

Date of Commencement of Duties

The candidate selected would be expected to take up the post ~~within three months following the date of notification of his selection or at the latest by December 1, 2010~~ [on October 23, 2023](#).

Conditions of Employment

The conditions governing employment are defined in the Administrative Regulations of UPOV.

The appointment will be made by a decision of the Council of UPOV and with the agreement of the Secretary-General of UPOV, subject to a satisfactory medical examination.

The initial appointment will be for a period of two years. Towards the end of that period, the Council of UPOV will decide whether the contract is to be renewed, and if so for how long.

The appointment will be made ~~either at the D-2 or~~ Assistant Secretary General (ASG) grade of the United Nations common system ~~depending upon the qualifications and experience of the successful applicant.~~

Based on the United Nations common salary scale in force on January 1, 2022~~09~~, at the grade of Assistant Secretary General, this position carries a net base annual salary of US\$~~128,071~~ [\[to be completed in the May 2022 Circular\]](#) if the staff member has eligible dependants (spouse and/or children), or US\$~~115,973~~ [\[to be completed in the May 2022 Circular\]](#) if the staff member has no eligible dependant. In addition, the incumbent will receive a post adjustment which is subject to change without notice in the amount equivalent to US\$~~108,062~~ [\[to be completed in the May 2022 Circular\]](#) per annum with dependants, or to US\$~~97,855~~ [\[to be completed in the May 2022 Circular\]](#) without dependents, plus a representation allowance of ~~12,000~~ [\[to be completed in the May 2022 Circular\]](#) Swiss francs per annum. The staff member contributes to the United Nations Joint Staff Pension Fund with an amount equivalent to US\$~~20,939~~ [\[to be completed in the May 2022 Circular\]](#) per annum.

~~At the grade D-2, this position carries an initial net base salary per annum of US\$107,176 with dependents, or US\$98,461 without dependents. In addition, the incumbent will receive a post adjustment which is subject to change without notice in the amount equivalent to US\$90,432 per annum with dependents, or to US\$83,079, without dependents. The staff member contributes to the United Nations Joint Staff Pension Fund with an amount equivalent to US\$17,411 per annum. At grade D-2, no representation allowance is payable.~~

Further information is also obtainable from the Human Resources [Management Department Administrative Section](#) of the International Bureau of WIPO on possible education grants, possible installation grants, annual leave, sick leave, home leave, medical insurance and the pension fund.

Submission of Candidature

Every candidature must be submitted by the government of the country of which the candidate is a national, or by the respective representative to the Council of UPOV.

Form

Every candidate must complete an [online](#) application form, ~~obtainable from the Human Resources Engagements and Development Section of the International Bureau of WIPO at 34, chemin des Colombettes, CH-1211 Geneva 20.~~ [\[the link to be inserted in the May 2022 Circular\]](#) on a dedicated recruitment platform at the following link [\[the link to be inserted in the May 2022 Circular\]](#).

Closing Date

All candidatures must reach the Secretary-General of UPOV by August 31, 2022~~09~~, at the latest. [The vacancy on the dedicated recruitment platform will close on the same day.](#)

Address

The postal address of the Secretary-General of UPOV is 34, chemin des Colombettes, 1211 Geneva 20 (Switzerland).

[End of Annex and of document]