

**Consultative Committee****CC/99/13****Ninety-Ninth Session  
Geneva, October 27, 2022****Original:** English  
**Date:** October 28, 2022**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-ninth session in hybrid format on October 27 and on the morning of October 28, 2022. The list of participants is reproduced in the Annex to this document.
2. The session was opened and chaired by Mr. Marien Valstar (Netherlands), President of the Council, who welcomed the participants.
3. The Chair reported that Ghana had deposited its instrument of accession to the 1991 Act of the UPOV Convention on November 3, 2021, and on December 3, 2021, had become bound by the 1991 Act, becoming the 78<sup>th</sup> member of the Union.
4. Mr. Daren Tang, Secretary-General, welcomed the participants and joined the Chair in welcoming Ghana to the UPOV sessions for the first time.
5. The Vice Secretary-General reported that Mr. Kees van Ettehoven, a national of the Netherlands, had started working for UPOV as Technical Expert in October 2022 and that Ms. Laurianne Nicolo had started working at UPOV under an agency contract in February 2022.
6. The Delegation of the European Union, speaking on behalf of the European Union and its Member States expressed solidarity with Ukraine and condemned the Russian aggression.
7. The Delegation of the Russian Federation observed that UPOV was not an appropriate place for political discussions and emphasized the need to respect the mandate of the Consultative Committee.
8. The Delegation of Belarus expressed its view that UPOV was not an appropriate place for political discussions.

Adoption of the agenda

9. The Consultative Committee adopted the revised draft agenda, as presented in document CC/99/1 Rev.

Preliminary examination of the conformity of the Draft Law on the Protection of Varieties of Plants of Armenia with the 1991 Act of the UPOV Convention

10. The Consultative Committee considered document C/56/14.
11. The Delegation of the United States of America requested clarification in relation to the scope and cross references in Article 14 (3) of the Draft Law (reproduced below):

“(3) acts done for the purpose of breeding other varieties, and, except where the provisions of part 4 of Article 13 apply, acts provided for by parts 1 to 3 of Article 13 in respect of such other varieties.”

13. The Office of the Union explained the provision and confirmed that it was in accordance with the scope of the exception under Article 15(1)(iii) of the 1991 Act of the UPOV Convention.
14. The Delegation of Belarus expressed its support to Armenia in the procedure of becoming a UPOV member.
15. The Delegation of Armenia expressed its appreciation for the preliminary examination of its Draft Law.
12. The Consultative Committee recommended to the Council to:
  - (a) note the analysis in document C/56/14;
  - (b) take a positive decision on the conformity of the Draft Law of Armenia on the Protection of Varieties of Plants with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which allows Armenia once the Draft Law is adopted with no changes and the Law is in force, to deposit its instrument of accession to the 1991 Act; and
  - (c) authorize the Secretary-General to inform the Government of Armenia of the above decision.

#### Procedure for the appointment of a new Vice Secretary-General

13. The Consultative Committee considered documents CC/99/2 and CC/99/2 Add. and document SC-VSG/1/2, comprising the report of the first meeting of the *Ad hoc* Sub-Committee concerning the appointment of a new Vice Secretary-General (SC-VSG).

#### *Selection of candidates for interview*

14. The Consultative Committee selected the following candidates, listed in alphabetical order, to be interviewed by the SC-VSG:

- Mr. Martin Ake EKVAD (Sweden)
- Ms. Yolanda HUERTA CASADO (Spain)
- Mr. Leontino REZENDE TAVEIRA (Brazil)

15. The Consultative Committee noted that the WIPO Human Resources Management Department (HRMD) would be requested to verify the relevant qualifications of the selected candidates.

#### *Topic for a presentation to be made by the candidates selected for interview*

16. The Consultative Committee agreed to request the candidates selected for interview to make a 15-minute presentation on “What are the main challenges for UPOV and how should they be addressed?” at an informal meeting of the Consultative Committee to be held in hybrid format in Geneva on January 31, 2023, and to request the Office of the Union to make the necessary arrangements for that informal meeting. The presentations would be made at 11:00 a.m., 11:30 a.m. and 12:00 p.m. (Geneva time).

17. The Consultative Committee noted that the topic of the presentation would be contained in the invitation letter sent to the selected candidates. The Consultative Committee noted that interpretation would be provided in the four official languages of UPOV (English, French, German and Spanish).

#### *Organization of the interview:*

18. The Consultative Committee agreed that the interview panel would be comprised of the members of the SC-VSG, noting that Spain and the European Union had withdrawn from the work of the SC-VSG, with the President of the UPOV Council acting as the Chair of the Panel. The interview would be conducted in English.

19. The Consultative Committee noted that the Secretary-General would be present during the interviews of the candidates for the post of Vice Secretary-General but would not participate in the preparatory work concerning the conduct of the interviews or in the discussions of the SC-VSG.

20. The SC-VSG noted that the questions agreed by the SC-VSG at its first meeting would not be included in the report of the meeting and that the questions would be circulated only to the participants in the second meeting of the SC-VSG.

21. The SC-VSG noted that the transcription of the interviews would be included in the report of the second meeting of the SC-VSG, which would be transmitted to the Consultative Committee, by February 9, 2023. The SC-VSG further clarified that the panel would not make any recommendations to the Consultative Committee on the candidates.

22. The Consultative Committee agreed to invite the candidates to be interviewed by the interview panel at the second meeting of the SC-VSG, on February 1, 2023, and to request the Office of the Union to make the necessary arrangements for those interviews in hybrid format. The interviews would start at 11:00 a.m., 1:00 p.m. and 3:00 p.m. (Geneva time).

23. The SC-VSG noted that all candidates would be given the opportunity to be in Geneva for the presentation and the interview.

#### *Selection procedure*

24. To facilitate a consensus, the Consultative Committee agreed that:

(a) after the publication of the report of the second meeting of the SC-VSG, consultation would be made by virtual means of each eligible UPOV Council Representative on their voting intentions and that the results of that process be shared with the countries that had proposed candidates;

(b) this consultation be conducted by at least two of the following: President; Vice-President; former President, plus a representative of WIPO Human Resources Management Department (HRMD);

(c) the consultation be conducted between February 16 to March 2, 2023; and

(d) each eligible UPOV Council Representative be offered a given date and time for the consultation. In the absence of any request for an alternative date and time, non-attendance of the consultation would mean that the UPOV Council Representative's voting intention would not be included in the result.

25. The Consultative Committee noted that in the absence of a consensus, a vote would be required at the thirty-fifth extraordinary session of the UPOV Council, on March 23, 2023. The SC-VSG recommended the Consultative Committee to note that a vote by secret ballot<sup>1</sup> would not be possible in a hybrid or virtual meeting. The Consultative Committee therefore agreed to recommend to the Council that provision be made for an exclusively physical meeting of the thirty-fifth extraordinary session of the UPOV Council, on March 23, 2023, in case a secret ballot is required.

26. The Consultative Committee noted that, in the event of a vote being held at the thirty-fifth extraordinary session of the UPOV Council, on March 23, 2023, the right to vote for State members of the Union in arrears would be decided at that session, prior to the vote.

#### Documents proposed for adoption by the Council

27. The Consultative Committee considered document C/56/3 in conjunction with the conclusions of the Technical Committee (TC) at its fifty-eighth session, held in Geneva on October 24 and 25, 2022 (see document TC/58/31 "Report") and the conclusions of the Administrative and Legal Committee (CAJ) at its seventy-ninth session, held in Geneva on October 26, 2022 (see document CAJ/79/11 "Report").

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<sup>1</sup> See document [UPOV/INF/7](#) "Rules of Procedure of the Council", Rule 24:

"Rule 24: Voting by Secret Ballot

"(1) All elections and decisions concerning States or individuals shall be voted on by secret ballot if at least two delegations so request.

"(2) Voting by secret ballot is governed by special regulations, which form the annex to the present Rules of Procedure and are an integral part thereof."

*Information Materials*

*UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/11 Draft 1)*

28. The Consultative Committee considered document UPOV/INF/16/11 Draft 1.

29. The Consultative Committee noted that the TC and the CAJ had approved the inclusion of the PATHOSTAT application in document UPOV/INF/16.

(d) DUS trial design and data analysis

Date added	Program name	Programming language	Function (brief summary)	Source & contact details	Condition for supply	UPOV member(s) using the software	Application by user(s)
	PATHOSTAT	Excel	Decision support tool to integrate statistics for the analysis of pest resistance test results for vegetable species	France: Ms. Sophie Perrot e-mail: <a href="mailto:sophie.perrot@geves.fr">sophie.perrot@geves.fr</a> and PATHOSTAT   ( <a href="http://geves.fr">geves.fr</a> )	Available as a web service / not for download	FR	Vegetable species

30. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/16/10 "Exchangeable Software", on the basis of document UPOV/INF/16/11 Draft 1 with the inclusion of the PATHOSTAT application.

*UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/9 Draft 1)*

31. The Consultative Committee considered document UPOV/INF/22/9 Draft 1.

32. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/22/8 "Software and equipment used by members of the Union", on the basis of document UPOV/INF/22/9 Draft 1.

*UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/16 Draft 1)*

33. The Consultative Committee considered document UPOV/INF-EXN/16 Draft 1.

34. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF-EXN/16 "List of INF-EXN Documents and Latest Issue Dates", on the basis of document UPOV/INF-EXN/16 Draft 1.

*Explanatory Notes*

*UPOV/EXN/DEN: Explanatory Notes on Variety Denominations under the UPOV Convention (document C/56/3, Annex I)*

35. The Consultative Committee considered Annex I to document C/56/3.

36. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/EXN/DEN/1 "Explanatory Notes on Variety Denominations under the UPOV Convention", on the basis of the proposed amendments presented in Annex I to document C/56/3.

*UPOV/EXN/EDV: Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision) (documents C/56/9 and UPOV/EXN/EDV/3 Draft 3)*

37. The Consultative Committee considered documents C/56/9 and UPOV/EXN/EDV/3 Draft 3 and noted the developments concerning the consideration of document UPOV/EXN/EDV/3 Draft 3 by correspondence.

38. The Consultative Committee agreed to establish the Consultative Committee Working Group on Essentially Derived Varieties (CC/WG-EDV) with the following terms of reference:

**PURPOSE:**

The purpose of the CC/WG-EDV is to draft a revision of the “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention” for consideration by the Consultative Committee and the Council in October 2023.

**COMPOSITION:**

- (a) members of the Union that express an interest to be part of the CC/WG-EDV in reply to a Circular to be issued after the ninety-ninth session of the Consultative Committee;
- (b) other members of the Union would be free to participate at any meeting of the CC/WG-EDV; and
- (c) meetings to be chaired by the Vice Secretary-General.

**MODUS OPERANDI:**

(a) The CC/WG-EDV to:

- (i) use document UPOV/EXN/EDV/3 Draft 3 as the basis for preparing an agreed draft revision of the “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention”;
- (ii) consider the concerns that have been raised (policy, legal or technical) with regard to document UPOV/EXN/EDV/3 Draft 3 (see document C/56/9) and, as appropriate, invite members, relevant stakeholders and/or experts to elaborate their perspectives on the matters raised; and
- (iii) prepare an agreed draft revision of the “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention” (document UPOV/EXN/EDV/3 Draft 4) by July 31, 2023.

(b) the CC/WG-EDV to meet at a time and frequency to address its mandate, by physical and/or virtual means, as agreed by the CC/WG-EDV; and

(c) the documents of the CC/WG-EDV to be made available to members of the Union.

39. The Consultative Committee agreed to propose to the Council to organize a “Seminar on the interaction between plant variety protection and the use of plant breeding technologies” in hybrid format, to be held on March 22, 2023.

40. The Consultative Committee agreed to consider at its one hundred and first session, whether to recommend to the Council to replace or to repeal the 2017 version of the “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention”.

*TGP Documents*

*Document TGP/5: Experience and Cooperation in DUS Testing, Section 6: UPOV Report on Technical Examination and UPOV Variety Description (Revision) (document TGP/5 Section 6/4 Draft 1)*

41. The Consultative Committee considered document TGP/5: Section 6/4 Draft 1.

42. The Consultative Committee recommended to the Council to adopt a revision of document TGP/5 “Experience and Cooperation in DUS Testing”, Section 6/3 “UPOV Report on Technical Examination and UPOV Variety Description”, on the basis of document TGP/5: Section 6/4 Draft 1.

*Document TGP/8: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability (Revision) (document C/56/3, Annex II)*

43. The Consultative Committee considered Annex II to document C/56/3.
44. The Consultative Committee recommended to the Council to adopt a revision of document TGP/8/4 “Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability”, as presented in Annex II to document C/56/3.

*Document TGP/12: Guidance on Certain Physiological Characteristics (Revision) (document C/56/3, Annex III)*

45. The Consultative Committee considered Annex III to document C/56/3.
46. The Consultative Committee recommended to the Council to adopt a revision of document TGP/12/2 “Guidance on certain physiological characteristics”, as presented in Annex III to document C/56/3.

*Document TGP/0: List of TGP documents and latest issue dates (Revision) (document TGP/0/14 Draft 1)*

47. The Consultative Committee considered document TGP/0/14 Draft 1.
48. The Consultative Committee recommended to the Council to adopt a revision of document TGP/0 “List of TGP documents and latest issue dates”, on the basis of document TGP/0/14 Draft 1.

Financial statements for 2021

49. The Consultative Committee considered document C/56/4.
50. The Consultative Committee recommended to the Council to approve the Financial Statements for 2021.

UPOV Performance Report 2020-2021

51. The Consultative Committee considered document C/56/2.
52. The Consultative Committee noted the UPOV Performance Report 2020-2021.

Report of the External Auditor

53. The Consultative Committee considered document C/56/5.
54. The Delegation of the European Union requested the Office of the Union to explain its planned response to the recommendation that UPOV regularly consult with its members on the costs and benefits of continued alignment with the full provisions of the Staff Regulations and Staff Rules of WIPO and the associated UN common system entitlements to ensure that it provides best value for the Union.
55. The Vice Secretary-General explained that a document would be prepared for consideration by the Consultative Committee at its one hundred and first session. However, in order to indicate the nature of the likely response, he recalled that the recommendation had arisen because of concerns about UPOV’s ASHI liability. In response to that, he pointed to the explanation in document CC/99/5 “Financing of Long-Term Employee Benefits” that the long-term employee benefits were projected to be fully covered within approximately 16 years. Furthermore, a loss of alignment with WIPO staff terms and conditions would generate significant additional administrative charges from WIPO because of the need to introduce separate measures for UPOV.

#### Procedure for the appointment of the External Auditor

56. The Consultative Committee considered document C/56/12.

57. The Consultative Committee noted the developments with regard to the procedure for the appointment of the External Auditor of WIPO reported in document C/56/12.

58. The Consultative Committee recommended to the Council the following the procedure for the appointment of the External Auditor of UPOV for a term of office of six years starting from January 2024, to December 2029, as set out in paragraph 8 of document C/56/12:

Considering that from the five nominations received from WIPO member States, two of them are not from UPOV members, the following steps are suggested:

- (1) the Office of the Union to start consultations with UPOV members that have, in the past, audited the UPOV accounts or are members of the UN Board of Auditors;
- (2) if the General Assembly of WIPO, in 2023, appoints the Comptroller and Auditor General of a WIPO member State that
  - i. is also a UPOV member, then the Council shall designate as External Auditor, with its agreement, the WIPO External Auditor;
  - ii. is not a UPOV member, then the Office of the Union would make a proposal to the Council, to appoint with its agreement, a UPOV member that has, in the past, audited the UPOV accounts or is a member of the UN Board of Auditors.

#### Arrears in contributions as of September 30, 2022

59. The Consultative Committee considered document C/56/6.

60. The Consultative Committee noted the status of payment of contributions as of September 30, 2022, and noted that due to a recent payment, Belgium had no arrears.

#### Strategic Business Plan

61. The Consultative Committee considered document CC/99/3.

62. The Consultative Committee agreed to include a section on "Horizon scanning" in the version of the Strategic Business Plan to be considered by the Consultative Committee in 2024.

63. The Consultative Committee approved the Draft Strategic Business Plan 2023-2027 as presented in the Annex to document CC/99/3, with the following changes in Pillar 1:

"Bring together stakeholders to ~~oversee and help~~ shape the UPOV system."

"15. This Strategic Pillar focuses on UPOV's role as convener to bring together members of the Union ~~and stakeholders~~ to oversee and coordinate UPOV's work and to engage with stakeholders to help shape the future of the UPOV system."

64. The Consultative Committee agreed that the Strategic Business Plan 2023-2027, as approved by the Consultative Committee, be presented for adoption by the Council at its fifty-sixth ordinary session.

#### UPOV PRISMA financing

65. The Consultative Committee considered document CC/99/4.

66. The Consultative Committee:
- (a) noted the information provided in document CC/99/4 concerning:
    - (i) latest revenue and costs relating to UPOV PRISMA;
    - (ii) funding sources other than the regular budget;
    - (iii) latest and projected coverage of UPOV PRISMA (capacity);
    - (iv) projected revenue and costs of UPOV PRISMA;
    - (v) anticipated funding sources other than the regular budget;
    - (vi) incentives by members of the Union for the use of UPOV PRISMA;
  - (b) noted that revenue from UPOV PRISMA covered the cost of operating the service in 2021;
  - (c) noted that, from 2024, revenue from UPOV PRISMA was projected to generate a positive balance beyond the operating and development costs of the service;
  - (d) agreed to propose to the Council to maintain the UPOV PRISMA fee unchanged in the Program and Budget for the 2024-2025 Biennium i.e. 90 Swiss francs, and where the same variety is submitted for both plant breeders' rights and national listing in the same participating member of the Union, a single fee would be charged at the time of the first submission for the variety.

#### Financing of long-term employee benefits

67. The Consultative Committee considered document CC/99/5.
68. The Consultative Committee noted the developments with regard to financing of long-term employee benefits reported in document CC/99/5.

#### Preparation of the Program and Budget for the 2024-2025 Biennium

69. The Consultative Committee considered document CC/99/7.
70. The Consultative Committee noted the following steps to ensure sufficient opportunity for the Consultative Committee to consider the Draft Program and Budget for 2024-2025 before presentation to the Council in October 2023:
- (a) preparation of a complete, preliminary Draft Program and Budget for 2024-2025, to be circulated to members of the Union by February 28, 2023, with 6 weeks for comments, on the basis of:
    - (i) document CC/99/3, Annex "Draft Strategic Business Plan 2023-2027", in conjunction with the conclusions of the Consultative Committee at its ninety-ninth session;
    - (ii) document CC/99/4 "UPOV PRISMA Financing", in conjunction with the conclusions of the Consultative Committee at its ninety-ninth session;
    - (iii) any subsequent developments; and
  - (b) presentation of a Draft Program and Budget for 2024-2025 by September 1, 2023, in accordance with the Financial Regulations and Rules of UPOV (document UPOV/INF/4), for consideration by the Consultative Committee on October 26, 2023 and by the Council on October 27, 2023.

#### Communication strategy

71. The Consultative Committee considered documents CC/99/6 and CC/99/6 Add..



72. The Consultative Committee noted:

- (a) the developments reported in document CC/99/6;
- (b) the developments concerning the consideration of the draft FAQ by the CBD and ITPGRFA presented in Annex I to document CC/99/6;
- (c) that a report of developments concerning the redesign of the UPOV website would be made at the one hundred and first session of the Consultative Committee; and
- (d) that results related to the Communication Strategy were presented in the Performance Report for 2021-2022 (document C/56/2); and
- (e) that the Office of the Union would develop the FAQs set out in paragraph 14 of document CC/99/6 on the basis of existing UPOV information and guidance. In the case of FAQs where the answers would require new information or a new position to be developed by UPOV, the draft FAQ would be presented to the Consultative Committee and Council for approval.

73. The Consultative Committee agreed to consider planning a symposium on interrelations between the Convention on Biological Diversity (CBD), the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the International Convention for the Protection of New Varieties of Plants (UPOV Convention) in 2024.

#### Program for the use of the Russian language in UPOV

74. The Consultative Committee considered document CC/99/8.

75. The Consultative Committee noted the developments reported in document CC/99/8.

76. The Consultative Committee noted that the Office of the Union would prepare a document with an analysis on the impact on resources and benefits of the programs in UPOV for the Russian language for consideration by the Consultative Committee, at its one hundred and first session, to be held on October 26, 2023.

#### Program for the use of the Chinese language in UPOV

77. The Consultative Committee considered document CC/99/9.

78. The Consultative Committee noted the developments reported in document CC/99/9.

79. The Consultative Committee noted that the Office of the Union would prepare a document with an analysis on the impact on resources and benefits of the programs in UPOV for the Chinese language for consideration by the Consultative Committee, at its one hundred and first session, to be held on October 26, 2023.

#### New developments in members of the Union

80. The Consultative Committee considered document CC/99/10.

81. The Consultative Committee:

- (a) noted that the presentations, proceedings and a video recording of the seminar on strategies that address policies involving plant breeding and plant variety protection were available on the UPOV website;
- (b) noted the program for the seminar on the role of plant breeding and plant variety protection in enabling agriculture to mitigate and adapt to climate change, as presented in the Annex to document CC/99/10;

(c) noted the report on the seminar and the following concluding remarks presented by Mr. Marien Valstar, President of the Council:

- Climate change is increasingly affecting everyone around the world: farmers, breeders and consumers. Effects are biotic (new pests and diseases) and abiotic (heat, drought, rain, seasonal changes).
- A range of strategies is needed to respond to the challenges. Plant breeding has a vital role to play in these strategies; farmers need new plant varieties to adapt to climate change but also to sustainably increase productivity in order to minimize climate change.
- Plant breeding is a long-term process that requires long-term investment from public institutions and from private companies. Plant breeders need a regulatory environment that promotes innovation and supports the conservation and utilization of genetic resources.
- The UPOV system enables plant breeders to provide farmers with the varieties they will need to feed the world in the face of climate change.

82. The Consultative Committee noted that the Office of the Union did not receive an offer from any member of the Union to make a presentation on new developments at the ninety-ninth session of the Consultative Committee.

83. The Consultative Committee agreed to invite members of the Union to present new developments at the one hundred and first session of the Consultative Committee, as set out in paragraphs 19 and 20 of document CC/99/10.

Report on the Working Group on Guidance concerning Smallholder Farmers in relation to private and non-commercial use (WG-SHF)

84. The Consultative Committee considered document CC/99/11.

85. The Consultative Committee noted the developments on possible guidance concerning smallholder farmers in relation to private and non-commercial use, as reported in document CC/99/11.

86. The Consultative Committee considered the conclusions of the Chair of the WG SHF on the work of the WG-SHF and next steps, as set out in paragraphs 18, 19 and 21 of document CC/99/11. The Consultative Committee noted that the WG-SHF had not yet completed the objectives in its terms of reference (ToRs) and, therefore, agreed that the WG-SHF should continue its work in accordance with its ToRs and, in particular to seek to provide guidance for drafting the revision of document UPOV/EXN/EXC, to be prepared by the Administrative and Legal Committee, and the revision of the FAQs on exceptions to the breeder's right, to be prepared by the Office of the Union (ToRs "Modus Operandi" item (c)).

87. The Consultative Committee agreed the following:

(a) to invite the Office of the Union to prepare a document for the third meeting of the WG-SHF to assist the WG-SHF in providing the requested guidance, based on the discussions at the first and second meetings of the WG-SHF; and

(b) to invite the WG-SHF, at its third meeting, on the basis of the discussions at the first and second meetings, to provide guidance for the Consultative Committee at its one hundred and first session on options to:

- (i) draft a revision of document UPOV/EXN/EXC, to be prepared by the Administrative and Legal Committee; and
- (ii) draft a revision of the FAQs on exceptions to the breeder's right.

Developments of relevance to UPOV in other international fora

88. The Consultative Committee noted the developments reported in document CC/99/12.

89. The Delegation of Norway noted that document CC/99/12 contained a copy of a statement that was made by the Office of the Union at the eighteenth regular session of the Commission on Genetic Resources for Food and Agriculture, held from 27 September to 1 October 2021 (CGRFA/18) and suggested that copies of such statements made in other international fora be included in the document in future. The Vice Secretary-General recalled that that was standard practice and would be continued.

Matters for information:

90. The Consultative Committee noted the following documents under item 21 "Matters for information":

- (a) Internal oversight and the WIPO Independent Advisory Oversight Committee (IAOC) (document CC/99/INF/2)
- (b) Observers in UPOV bodies (document CC/99/INF/3)
- (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 (document CC/99/INF/4)
- (d) UPOV Training and assistance strategy (document CC/99/INF/5)

Draft press release

91. 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/56/11.

Program for the one hundred and first session

92. The following program was agreed for the hundredth session of the Consultative Committee to be held on March 23, 2023:

1. Opening of the session
2. Adoption of the agenda
3. Recommendation for the Appointment of a New Vice Secretary-General
4. Draft press release
5. Adoption of the report on the conclusions (if time permits)
6. Closing of the session

93. The following program was agreed for the one hundred and first session of the Consultative Committee to be held on October 26, 2023:

1. Opening of the session
2. Adoption of the agenda

3. 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
4. Documents proposed for adoption by the Council
5. Financial statements for 2022
6. Performance Report for 2022
7. Report of the External Auditor
8. Appointment of the External Auditor
9. Arrears in contributions as of September 30, 2023
10. UPOV PRISMA financing
11. Financing of long-term employee benefits
12. UPOV alignment with the Staff Regulations and Staff Rules of WIPO
13. Program and Budget for the 2024-2025 Biennium
14. Communication strategy
15. Policy on translation
16. Program for the use of the Russian language in UPOV and report of the analysis on the impact on resources and benefits of the Program
17. Program for the use of the Chinese language in UPOV and report of the analysis on the impact on resources and benefits of the Program
18. New developments in members of the Union
19. Report on the Working Group on Guidance concerning Smallholder Farmers in relation to private and non-commercial use (WG-SHF)
20. Observers in UPOV bodies
21. Training and assistance strategy
22. Developments of relevance to UPOV in other international fora
23. Matters for information\*:
  - (a) Internal oversight and the WIPO Independent Advisory Oversight Committee (IAOC)
  - (b) 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
24. Draft press release
25. Program for the one hundred and second session

26. Adoption of the report on the conclusions (if time permits)
27. Closing of the session

*94. This report was adopted by the Consultative Committee at the close of its session, on October 28, 2022.*

[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)

LIST OF PARTICIPANTS

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