Protection of new varieties of plants: accession of the Community to the International Convention as revised at Geneva on 19 March 1991

2004/0275(CNS) - 16/12/2004 - Legislative proposal

CONTENT : to approve the accession of the European Community to the International Convention for the Protection of New Varieties of Plants, as revised at Geneva on 19 March 1991.

PURPOSE : the European Commission states that the accession of the European Community to the UPOV Convention is necessary in order to fully exercise the rights conferred by this Convention to the parties thereto, and also to be recognised as a member of the international society bound by the obligations laid down in this Convention; all citizens of the European Community would enjoy, as a consequence of Community membership, the same treatment including the right of access to variety protection in other UPOV members as are accorded to nationals of such other members; the acceptance of the obligations ensures at the same time the fulfilment of obligations laid down in other international agreements, and in particular those of Article 27 (3) of the WTO-Treaty on Intellectual Property Rights Systems (TRIPS Agreement).

The main activities of the International Union for the Protection of New Varieties of Plants (UPOV) are concerned with promoting international harmonisation and cooperation in the introduction of plant variety protection legislation. Harmonisation is enhanced, firstly, through specific activities undertaken within UPOV leading to recommendations and model agreements and forms and, secondly, through the fact that UPOV serves as a forum to exchange views and share experiences. UPOV has established a detailed set of general principles for the conduct of the examination of plant varieties; their use also extends to national listing and seed certification.

Lastly, it is also important that the Community pays contributions on a voluntary basis, in accordance with the UPOV Convention, taking into account the contributions paid by its Member States: the Community will pay five contribution units to the UPOV annual budget.