

FRANCE

**Decree Concerning the Committee for the Protection
of New Plant Varieties***

No. 71-454 of 7 June 1971

CHAPTER I

Tasks

Article 1

The Committee for the Protection of New Plant Varieties established under Article 4 of the Law of June 11, 1970, mentioned above¹ shall have the following tasks:

to issue the new plant variety certificates corresponding to the applications which satisfy the requirements of the Law mentioned above, and all official documents concerning such applications and certificates;

to declare the forfeiture of breeders' rights in the circumstances set out in Article 22 of the Law referred to.

Article 2

The Committee for the Protection of New Plant Varieties may propose to the Minister of Agriculture the provisions of a regulatory nature necessary for the application of the Law mentioned above and may, in general, submit any suggestions to him relating to the implementation of plant variety protection.

CHAPTER II

Organization and Activity

* French title: Décret relatif au comité de la protection des obtentions végétales.
Translation by the Office of the Union of the text published in the *Journal officiel* of June 17, 1971.

¹ Law for the Protection of New Plant Varieties, No. 70-489 of June 11, 1970.

Article 3

The headquarters of the Committee for the Protection of New Plant Varieties shall be in Paris. In addition to its president, the Committee shall have ten members appointed by order of the Minister of Agriculture, one of them on the proposal of the Minister Responsible for the Overseas Departments and Territories, in accordance with the conditions set out in Article 4 of the Law of June 11, 1970, mentioned above.

Article 4

The magistrate entrusted with the chairmanship of the Committee shall be chosen from the magistrates of the Court of Appeal of Paris or the District Court (*tribunal de grande instance*) of Paris belonging at least to the first grade of the judiciary.

He shall be appointed by joint order of the Keeper of the Seals, Minister of Justice, and the Minister of Agriculture.

It shall be the duty of the president, outside the Committee's meetings of which he shall assume the chairmanship, to ensure the smooth working of the Secretariat General provided for in Article 10 of this Decree and to undertake with the latter's aid the preparation and execution of the Committee's decisions.

Article 5

The president and the members of the Committee shall be appointed for four years. Their term of office may be renewed. Half the membership of the Committee shall be renewed every two years. Those members whose term is to expire at the time of the first renewal shall be chosen by lot two months after the installation of the Committee. Where, through death or other cause, a member has ceased to exercise his functions, he shall be replaced within a period of two months. The newly appointed member shall stay in office for the remainder of the term of the member he is replacing.

Article 6

The members of the Committee who are not civil servants shall be subject to the provisions of Decree No. 68-724 of August 7, 1968, governing the reimbursement of travel and living expenses of State agents and other persons who take part in councils, committees, commissions and other bodies assisting the State.

Article 7

The president and the members of the Committee shall be under an obligation of secrecy in relation to anything coming to their knowledge in the exercise of their functions. Moreover, a member of the Committee may not take part in the deliberations relating to a plant variety where he is directly interested in the acceptance or refusal of an application for a certificate.

Article 8

The Committee shall meet on convocation by the president whenever necessary. It may only deliberate if the number of members present is more than half the number of members in office. Where the votes are equal, the president shall have a casting vote.

Article 9

To expedite the preparation and examination of cases before it, the Committee may:

appoint a standing bureau from among its members;

set up specialized expert commissions;

call upon any expert or other person whose advice appears necessary.

Article 10

The Committee for the Protection of New Plant Varieties shall have a Secretariat General. The Secretary General shall be appointed by order of the Minister of Agriculture on the Committee's proposal and after consultation with the Director General of the National Institute of Agronomic Research.

The Secretary General shall be assisted by agents under contract engaged by the Director General of the National Institute of Agronomic Research under the same conditions as those governing its own agents. Their remuneration shall be drawn from the special section of the budget referred to in Article 11 of the Law of June 11, 1970, mentioned above.

The direction of the staff shall be assumed by the Secretary General, by delegation of power from the Director General of the National Institute of Agronomic Research.

The Secretary General shall in particular have the following tasks, in accordance with the Committee's directions, under the authority of the president and within the terms of the Law of June 11, 1970, mentioned above and its implementing legislation:

to receive, register and examine applications for new plant variety certificates and oppositions to the issue of certificates;

to maintain the various registers relating to the protection of new plant varieties, to record any acts affecting the property in certificates and to publish the various notices provided for;

to keep in contact with all the competent bodies, in particular--for questions of denomination--with the National Institute of Industrial Property and the Office of the International Union for the Protection of New Varieties of Plants, as well as with the experts to whom the technical examination of plant varieties is entrusted;

to provide the secretariat for the Committee's meetings;

to draw up new plant variety certificates and to issue copies of official documents;

to inspect or to arrange for the inspection of the maintenance of varieties for which certificates have been granted;

to prepare the budget relating to the special section of the budget of the National Institute of Agronomic Research referred to in Article 11 of the Law of June 11, 1970, mentioned above.

The Secretary General shall draw up the implementing legislation of the Law referred to, which shall be submitted by the Committee to the Minister of Agriculture. He shall prepare and take part in the negotiation of international agreements proposed by the Committee to the Minister of Agriculture and the Minister of Foreign Affairs with a view to facilitating or improving plant variety protection.

Article 11

The Committee for the Protection of New Plant Varieties and its Secretariat General shall be considered, in accordance with the provisions of Article 30(1)(b) of the Convention of Paris for the Protection of New Varieties of Plants of December 2, 1961, as the authority entrusted with the protection of new plant varieties in France. For this purpose, the Secretariat General of the Committee shall keep in contact with the International Union for the Protection of New Varieties of Plants and shall participate in its work.

CHAPTER III

Financial Provisions

Article 12

The special section of the budget of the National Institute of Agronomic Research, created by Article 11 of the Law of June 11, 1970, mentioned above, shall be decided upon by the Governing Body of the Institute after consultation with the Committee for the Protection of New Plant Varieties. The income and expenses of the special section shall be administered by the Secretary General of the Committee for the Protection of New Plant Varieties, by delegation of power from the Director General of the National Institute of Agronomic Research and under the same conditions as those applying to the income and expenses of the Institute.

Article 13

The assets of the special section shall consist in particular of the income from all fees that are chargeable in relation to plant variety protection under Article 11 of the Law of June 11, 1970, mentioned above.

Article 14

The liabilities of the special section shall consist of:

running and equipment expenses of the Committee and its Secretariat General, including staff salaries and travel expenses;

the costs of the technical examination and, where required, of making reference collections;

the financial contribution of France to international organizations concerned with plant variety protection;

any other expense resulting from the application of the Law of June 11, 1970, mentioned above.

Article 15

The Minister of State Responsible for National Defense, the Minister of State Responsible for the Overseas Departments and Territories, the Keeper of the Seals, Minister of Justice, the Minister of Foreign Affairs, the Minister of Economy and Finance, the Minister of Industrial and Scientific Development, the Minister of Agriculture, the Minister for Public Health and Social Security, the Secretary of State attached to the Minister of Economy and Finance Responsible for the Budget and the Secretary of State for Light and Medium Industry and Handicraft shall each be responsible, within his sphere of interest, for the application of this Decree, which shall be published in the *Journal officiel* of the French Republic.