



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 24 February 2012

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NOTE

from: General Secretariat

to: Working Party on Intellectual Property

No prev.doc.: 6290/12 PI 17

Subject: 20th Session of WIPO Intergovernmental Committee on Intellectual Property
and Genetic Resources, Traditional Knowledge and Folklore
(Geneva, 14 to 22 February 2012)
- Final statements by the European Union and its Member States

Delegations will find in the Annex, for information, the statements made at the above-mentioned
WIPO meeting on behalf of the European Union and its Member States.

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IGC 20 (February 14-22 2012)
Item 7
Genetic Resources

EU statement on the guidance to facilitators

M. Chair, I'm speaking on behalf of the EU and its Member States.

We are grateful to the facilitators to undertake the most difficult task of drafting a single text reflecting the different positions in this committee on Genetic Resources and Intellectual Property, even though the EU and its MS have a strong preference for working on the basis of doc 20/4. In the IGC mandate there is no mention of a single text as such.

We strongly support the guidance given yesterday by group B to avoid drafting this facilitators' document in the form of treaty language. Indeed M. Chair, in line with our renewed mandate, the text should encompass various *"options for a draft legal text"*, and by legal text (or *"international legal instrument"*), what is meant may be a treaty but may also be a joint Recommendation or any other form.

In the view of the EU and its MS, the facilitators' text should focus on the substance regardless of the form that the instrument will take, so as not to prejudge the decision of the next General Assembly on whether or not to convene a Diplomatic Conference.

We see the Objectives and Principles of document 20/4 as a central element of the facilitators' text and could not agree to assimilate them to a preamble as suggested by some delegations.

Finally, we agree with the suggestion of the Chair that the facilitators' text should not necessarily be adopted at the end of this session and that earlier documents should remain on the table.

I thank you M. Chair.

IGC20 (February 14-22 2012)
Item 8 on the participation of observers
EU Statement

M. Chair,

The EU and its Member States thank the Secretariat for its draft study on the participation of observers in the work of the IGC and its proposals contained in document WIPO/GRKTF/IC/20/7.

The 9 proposals presented by the Secretariat deal with different aspects of the participation of observers. Therefore the EU and its MS are of the view that these proposals should not necessarily be seen as a package and can be discussed independently.

The EU and its MS are particularly supportive of those proposals which seek to fortify and rationalize the selection of observers and their financing mechanisms. We are interested in the idea of establishing a standing advisory mechanism (proposal 1) and in electing the Board of the Voluntary Fund Board for two years (proposal 6), with the understanding that both entities would work intersessionally and by electronic means.

We also see particular interest in developing more communication tools (proposals 7 and 8) and outreach activities (proposal 9).

The EU and its MS stand ready to further discuss these proposals.

I thank you M. Chair

IGC20 (February 14-22 2012)

Future Work

EU Statement

M. Chair,

The EU and its MS agree with the decision to transmit the Facilitators' text as a working document to the General Assembly. This text as it stands contains divergent options and is still a work in progress, so that further work and consolidation of this text are needed.

The EU and its MS support continuing work on this text, which remains unadopted at this stage. We recall that a detailed explanation of the EU proposal for a disclosure of origin is contained in document 20/INF/8.

The EU and its MS would like to recall that all 3 topics discussed in IGC: TK, TCE and GRs, should be treated in an equal manner and their results considered jointly. We expect that the 22nd session of the IGC will prepare a Recommendation to the General Assembly on all three topics.

The EU and its MS would also like to flag that they are reluctant to agree on future extended sessions as it is difficult for all experts to participate fully in such lengthy meetings.

I thank you M. Chair.

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