



East Asia Plant Variety Protection Forum  
**12th Annual Meeting**  
**Beijing, China, 24 April, 2019**

**EAPVPF/12/04\_08**  
**Date: 16 April 2019**

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## **INDIVIDUAL IMPLEMENTING STRATEGY OF MALAYSIA**

### **1. National goal (for 2019)**

Malaysia has organized a Legal Consultation on Harmonisation of the Protection of New Plant Varieties with UPOV Convention 1991 on 15 – 17 August 2018. The meeting was officiated by Dato' Jamal Harizan Yang Razali, Director General Department of Agriculture, Malaysia.

The purpose of the Legal Consultation is:

- a) to seek harmonisation and alignment with UPOV Convention 1991;
- b) enhance better understanding of PVP;
- c) establish legal consultation; and
- d) strengthened good relationship between Malaysia and UPOV.

Forum meeting took note comments from UPOV and has discussed further internally on some of the provisions commented by Legal Advisors from UPOV and Ministry of Agriculture (MOA) on September 2018 and revised again on February 2019.

As advised by our Deputy Director General of Agriculture, Engagement session with breeders, PVP Agents, Growers Association, Genetic Society of Malaysia and NGO will be conducted this year whereas stakeholder's consultation will be conducted in 2020. Base on Malaysia's policy, all amended act needs to go through the Regulatory Impact Analysis (RIA) process in order to enhance transparency, fairness and accountability. Therefore, engagement session with stakeholders is part of the implementation of RIA to explain the issues, objectives and the impact of the amended act.

### **2. Objectives with analysis of challenges (for next 3 years)**

The objectives of Malaysian PVP in **2018**:

- (a) to re-draft new PVP Act in accordance with UPOV 1991;
- (b) to consult Legal Counsel of UPOV on compliance to UPOV 1991;

The objectives of Malaysian PVP in **2019**:

- (c) engagement session with stakeholders such as government agencies, universities, Farmer Cooperatives, Crop Association, Seed Importers and NGOs;

The objectives of Malaysian PVP in **2020**

- (d) stakeholder consultation with stakeholders such as government agencies, universities, Farmer Cooperatives, Crop Association, Seed Importers and NGOs;
- (e) final consultation with UPOV Legal Counsel;

The objectives of Malaysian PVP in **2021**

- (e) submission of new PVP Act to Attorney General's Office and tabling of Act in Parliament.

### 3. Planned activities and Road map (for next 3 years)

#### **Planned activities**

Advantages obtained from amendments of the current Act will definitely outweigh the disadvantages and weaknesses encountered throughout the implementation of the Plant Variety Protection System. If farmers are the contributor to the nation's food basket, breeders will be the starter source of the food basket. Without the seed creators, farmers will have nothing superior to grow. Therefore, the Government has the role in ensuring farmers to get good seeds while not ignoring the breeders' contribution to our nation.

In order to strengthen Malaysia's Plant Variety Protection System and to ensure that it is in line with UPOV 1991 as well to obtain a win-win situation between the Malaysian Government and stakeholders, Malaysia would like to propose an activity (details stated in the proposal) as stated below:

#### **Stakeholder Consultation with Malaysia's NGOs upon Malaysia Acceding as UPOV Member (April 2020)**

#### **Road map**

The main challenge for Malaysian PVP in the next three years would be to implement the government's decision of realigning the current PNPV Act 2004 in accordance with UPOV 1991. In this regards, a dedicated Task Force has been established to undertake this task. The Road Map for the next three years (2019 - 2021) is as follows:

BIL	PERKARA	TARIKH CADANGAN	TARIKH PERLAKSANAAN
1	Submission of Regulatory Notification Form (RNF) to Malaysia Productivity Corporation (MPC).		13 Februari 2017
2	Workshop to revise Protection of New Plant Varieties Act 20XX with Drafting Team.	January 2018	9 – 10 January 2018
3	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session 1/2018.	January 2018	11-12 January 2018
4	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session 2/2018.	March 2018	5 – 6 April 2018
5	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session 3/2018.	April 2018	11 – 13 April 2018
6	Legal consultation on International Harmonized Plant Variety Protection System between MOA, DOA and International Union for The Protection of New Varieties of Plants (UPOV)	August 2018	15 – 17 August 2018
7	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session 5/2018.	September 2018	19 – 20 September 2018
8	Submit Clean Draft to Legal Advisor's Office and KPDNHEP for comments.	September 2018	28 September 2018
9	Secretariat Action: Clean Draft	October 2018	October-December 2018
10	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session 1/2019 (Regarding Ouster Clause)	February 2019	18- 19 Februari 2019

BIL	PERKARA	TARIKH CADANGAN	TARIKH PERLAKSANAAN
11	Engagement with Breeders and Agents	14-16 May 2019	
12	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session II/2019 (amendment after engagement session)	July 2019	
13	Preparation document before Legal Consultation: Collecting and analyse data on fees and rights holder income, plant area, farmer's rights and total of export on ornamental.	August 2019	
14	Preparation Letter of Agreement Malaysia as UPOV Member	September 2019	
15	Engagement with Plant Genetic Organisation Malaysia	September 2019	
16	Engagement with related NGO (Third World Network & CAPs)	September 2019	
17	Signatory Letter of Agreement Malaysia as UPOV Member by NGO's, PGM, Breeders, Agencies & farmers Association	September 2019	
18	Workshop on Regulatory Impact Analysis in conjunction with preparation for stakeholder consultation with MPC, Session 1/2020.	January 2020	
19	Stakeholder Consultation with related Ministries/Departments/Agencies	March 2020	
20	<b>Stakeholder Consultation with PVP Breeders, Growers' Association, PVP Agents, Malaysian Genetic Association, Universities and seed companies.</b>	<b>April 2020</b>	
21	Stakeholder Consultation with NGOs	April 2020	
22	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session II/2020 (amendment after stakeholders' consultation)	July 2020	
23	Circulation of final draft of Protection of New Plant Varieties Act 20XX to relevant Ministries, Departments and Agencies.	August 2020	
24	Presentation of final draft of Protection of New Plant Varieties Act 20XX to Plant Variety Board Final draft after circulation to relevant Ministries, Departments and Agencies.	September 2020	
25	Workshop on Regulatory Impact Analysis, Session III/2020, with MPC in conjunction with preparation for Regulatory Impact Statement (RIS).	September 2020	
26	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session IV/2020.	October – November 2020	
27	Preparation of final version of Protection of New Plant Varieties Act 20XX (Secretariat).	December 2020	
28	Workshop to revise final version of Protection of New Plant Varieties Act 20XX with Ministry of	January 2021	

BIL	PERKARA	TARIKH CADANGAN	TARIKH PERLAKSANAAN
	Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session II/2021.		
29	Submission of final version of Repeal of Protection of New Plant Varieties Act 20XX to UPOV for review.	February 2021	
30	Workshop to revise final version of Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session II/2021 (amendment based on UPOV's comments).	March 2021	
31	Special Plant Variety Board Meeting (Presentation of final version of Protection of New Plant Varieties Act 20XX)	April 2021	
32	Submission of final version to MOA's Legal Advisor and UPOV.	May – June 2021	
33	Preparation of Cabinet Notes.	June – August 2021	
34	Submission of Cabinet Notes to Ministry of Agriculture and Agro-Based Industries.	September 2021	
35	Submit to Parliament	October 2021	

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