



East Asia Plant Variety Protection Forum
13th Annual Meeting
Hanoi, Viet Nam, 25 November 2020

EAPVPF/13/02_08
Date: 22 November 2020

INDIVIDUAL IMPLEMENTING STRATEGY OF MALAYSIA

1. National goal (for 2020)

Malaysia has organized a Legal Consultation on Harmonisation of the Protection of New Plant Varieties with UPOV Convention 1991 on January 2016 and August 2018.

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, revised and finalized on February 2019.

Base on Malaysia's policy, all amended act need to go through the Regulatory Impact Analysis (RIA) process in order to enhance transparency, fairness and accountability. Therefore, Stakeholder Consultation with breeders, PVP Agents, Growers Association, Genetic Society of Malaysia and NGO has been conducted since 2019 and early this year to explain the issues, objectives and the impact of the amended act. However, due to the pandemic situation, the stakeholder consultation has to be suspended until the situation is rocovered.

The purpose of the Stakeholder Consultation is:

- a) To get views, concerns and recommendations from various stakeholders on each clause in the draft of The Protection of New Plant Varieties Bill which has been drafted in line with UPOV Convention 1991; and
- b) To provide opportunities to who will likely be affected or have an interest to fully understand the PVP System.

Meeting took note comments from each participants and has discussed further internally on some of the provisions commented by each participants and will put into consideration each comments.

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

The objectives of Malaysian PVP in 2019:

- (a) Engagement session with stakeholders such as breeders, PVP Agents, Farmer's Association, Crop Association, Seed Importers and NGOs;

The objectives of Malaysian PVP in 2020 (Suspend)

- (b) Engagement session with stakeholders such as DOA's Top Management, DOA Sabah, DOA Sarawak, related government agencies and universities

The objectives of Malaysian PVP in 2021

(c) Final legal consultation with UPOV;

(d) Submission of The New Plant Variety Protection 20XX Bill to DOA's and Ministry of Agriculture and Food Industry (MAFI) Legal Advisor's Office for final checking.

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

In order to strengthened Malaysia's Plant Variety Protection System, to finalise and ensure that it is in already line with UPOV 1991 before tabling in Parliament, Malaysia would like to propose an activity (details stated in the proposal) as stated below:

3RD Legal Consultation on Harmonisation of Protection of New Plant Varieties 20XX with UPOV Convention 1991 (Proposed date, September 2021)***Road map***

The Road Map for the next three years (2019 - 2021) is as follows:

No.	TOPIC	PROPOSED DATE	ACTUAL DATE
1	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)	18 – 19 February 2019	18- 19 February 2019
2	Legislation committee meeting (JKP).		17 January 2019
3	RCEP meeting by Ministry of Agriculture (International)		19 April 2019
4	Meeting with Chief Secretary of Ministry of Agriculture about UPOV and NGO's Memorandum regarding UPOV 1991 in RCEP		25 April 2019
5	Stakeholder Consultation on Amendment PNPV Act 2004 with breeders and agents	15 May 2019	15 May 2019
6	Stakeholder Consultation on Amendment PNPV Act 2004 with Farmer's Association	16 May 2019	16 May 2019
7	Presentation about amendment of PVBT 2004 Act to Minister.		24 May 2019
8	Consultation Session with NGO's regarding Seed Act Bill and amendment of PVBT 2004 Act		28 May 2019
9	Stakeholder Consultation on Amendment PNPV Act 2004 with NGO's	19 September 2019	19 September 2019
10	Stakeholder Consultation on Amendment PNPV Act 2004 with Genetic Society of Malaysia and Seed companies	19 September 2019	19 September 2019
11	Wrap-up Session: Outcome from the consultation session with NGO's, Genetic Society of Malaysia and Seed companies	20 September 2019	20 September 2019
12	Stakeholder Consultation on Amendment PNPV Act 2004 with Directors of Integrated Agricultural Development Area (IADA), Director of Agriculture Sabah and Sarawak.	22 October 2019	Suspend
13	Presentation of amendment of PVBT 2004 Act to Plant Variety Board members	12 November 2019	12 November 2019

No.	TOPIC	PROPOSED DATE	ACTUAL DATE
14	Stakeholder Consultation on Amendment PNPV Act 2004 with Directors of each Division in Department of Agriculture	14 Feb 2020	14 Feb 2020
15	Briefing to Minister and Deputy Minister 1 & 2, Ministry of Agriculture and Food Industry on the status of the draft of The New Plant Variety Protection 20XX Bill.	5 November 2020	5 November 2020
15	Engagement session with NGO's	November 2020	Suspend
16	Stakeholder Consultation on Amendment PNPV Act 2004 with Sabah state Department of Agriculture	Feb 2021	
17	Stakeholder Consultation on Amendment PNPV Act 2004 Sarawak state Department of Agriculture	Feb 2021	
18	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Food Industry (MAFI) Legal Advisor and Drafting Team (Technical Issues)	February 2021	
19	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Food Industry (MAFI) Legal Advisor and Drafting Team (Policy Issues)	February 2021	
20	Preparation of final version of Protection of New Plant Varieties Act 20XX (Secretariat).	March 2021	
21	RIS workshop with Malaysian Productivity Corporation (MPC)	April 2021	
22	Presentation on Risk Impact Analysis (RIA) report to Technical committee of PVP	April 2021	
23	Preparation of Cabinet Notes	April 2021	
24	Submit Cabinet Notes to MAFI	April 2021	
25	Preparation Clean Draft of PVP Act	May 2021	
26	Submit to Legal Advisor for comments and to submit to Attorney General Chamber's Office	May/June 2021	
27	Preparation for 2 nd Cabinet Note (with clean draft)	September 2021	
28	Submit to Parliament	October 2021	

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