

法規名稱：MEMORANDUM OF UNDERSTANDING ON INTERNATIONAL COOPERATION IN THE FIELD OF PLANT VARIETY EXAMINATION AND PROTECTION BETWEEN AGRICULTURE AND FOOD AGENCY, COUNCIL OF AGRICULTURE, TAIWAN AND DEPARTMENT OF CROP PRODUCTION, THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT, VIET NAM

簽訂日期：民國 110 年 12 月 03 日

生效日期：民國 110 年 12 月 03 日

Agriculture and Food Agency (AFA), Council of Agriculture, Taiwan (hereinafter referred to as “ the Taiwanese authority ” )

and

Department of Crop Production (DCP), the Ministry of Agriculture and Rural Development, Viet Nam (hereinafter referred to as “ the Vietnamese authority ” )

have reached the common recognition as follows:

#### Article 1

##### Purpose

The purpose of this Memorandum of Understanding is to facilitate cooperation in the field of plant variety examination and protection on the basis of the principles of reciprocity.

#### Article 2

##### Areas of Cooperation

2.1 The Taiwanese authority shall provide the results of the examination conducted in accordance with the International Convention for Use Protection of New Varieties of Plants (hereinafter referred to as “ UPOV Convention ” ), which are the subject of an application filed with the Taiwanese authority, to the Vietnamese authority at the request of the Vietnamese authority in writing.

2.2 The Vietnamese authority shall provide the results of the

examination conducted in accordance with UPOV Convention, which are the subject of an application filed with the Vietnamese authority, to the Taiwanese authority at the request of the Taiwanese authority in writing.

#### Article 3

##### Provision of Examination Report

- 3.1 The results of the examination, provided in the other authority in pursuant to Article 2, shall be limited to those of the examination conducted by the providing authority in accordance with UPOV test Guidelines for the species which are available in UPOV.
- 3.2 For the species which have no UPOV test guidelines, the providing authority shall use its national test guidelines with the consent of the recipient authority.

#### Article 4

##### Format and language of Examination Report

- 4.1 The documents which are used when providing the results of the examination to the other authority pursuant to Article 2, shall be based on the format described in Section 6 “ UPOV report on Technical examination and UPOV Variety Description ” of Test Guidelines Procedure “ Experience and Cooperation in DUS Testing ” (TGP/5), developed in accordance with Article 12 of the UPOV Convention.
- 4.2 The results of the examination which are provided in accordance with Article 2 shall be written in English.

#### Article 5

##### Charges

The results of the examination shall be provided to each other at no charge.

#### Article 6

##### Use of Examination Report

6.1 The recipient authority shall not use the examination results provided from the other authority for purposes other than the examination of plant varieties in the said authority.

6.2 The recipient authority shall not disclose or provide the examination results to any third party.

#### Article 7

##### Validity

7.1 This MOU takes effect upon the date of the last signature by the Parties.

7.2 If any doubt arises related to matters not provided in this MOU, it shall be solved by mutual discussion.

7.3 This MOU may be modified and/or terminated by mutual consent.

#### Article 8

##### General Understanding

The Parties shall make an effort to pursue and accomplish the goals of this MOU.

In witness whereof, the undersigned being duly authorised thereto, have signed this MOU.

Done in duplicate in English.

For the  
Agriculture and Food  
Agency, Council of  
Agriculture  
(Taiwan)

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Mr. Jong-I Hu

For the  
Department of Crop  
Production, Ministry of  
Agriculture and Rural  
Development  
(Viet Nam)

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Mr. Nguyen Nhu Cuong



Director General

Director General

[Date] 2021. Nov. 5

[Date] 2021. Dec. 3

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[Place] Taipei  
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[Place] Hanoi, Vietnam  
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