

## MEETING OF THE ADMINISTRATIVE COUNCIL OF THE CPVO

Brussels, 20 and 21 March 2012

### MAIN CONCLUSIONS

#### **I. Approval of the draft minutes of the meeting of 15 and 16 November 2011**

The minutes of the AC meeting of November were approved with the amendment requested by the Commission.

#### **II. Reports**

- **President's report:** the AC members took note of the report.
- **Management report:** the AC members took note of the report.
- **CPVO social report for 2011:** the AC members took note of the report.
- **Authorising officer's report for 2011 and adoption of the analysis and evaluation of the authorising officer's report:** the AC members with voting rights unanimously adopted the report and asked the Chairman of the AC to sign it and to transmit the analysis and evaluation to the Court of Auditors before 15 June 2012.
- **Report on the implementation of the strategic plan for 2010-2015:** the AC members took note of the report.
- **Internal audit report:** the AC members took note of the report.

#### **III. Discharge of the President for the implementation of the budget for the financial year 2010**

The AC members with voting rights unanimously adopted the discharge of the President of the CPVO for the financial year 2010.

#### **IV. Working party of legal experts**

The AC members and the observers supported the establishment of this *ad hoc* working party dealing with legal problems. It was to focus on plant variety rights. The President of the CPVO would invite his selection of experts to attend the first meeting. The group could be enlarged thereafter. Interested persons were asked to put their names forward.

#### **V. Registration of essentially derived varieties**

The AC members approved the proposal of the President of the CPVO that the newly created working party of legal experts should consider this matter in detail. Its initial findings could be presented at the next meeting.

#### **VI. Report on R&D projects cofinanced by the CPVO in the light of UPOV's biochemical and molecular techniques (BMT) models**

The AC asked the CPVO to include this item on the agenda for the next meeting with the examination offices with a view to asking them to contribute to these projects.

#### **VII. Cases before the CPVO Board of Appeal and the Court of Justice of the European Union, March 2010 to March**

The AC members took note of the report.

#### **VIII. Quality Audit Service (QAS)**

- **Quality Audit Service report for 2011:** the AC members with voting rights unanimously adopted the audit report for 2011.
- **Entrustment recommendations:** the AC members with voting rights came out in favour of the five recommendations for entrustment with full or amended scope made by the QAS for the offices of the following countries:
  - Bulgaria (Ministry of Agriculture and Food).
  - Estonia (ARC),
  - Belgium (ILVO),
  - Slovakia (UKSUP), and
  - Austria (*Bundesamt für Ernährungssicherheit*).

In the case of Italy (CRA-FRU), the AC members with voting rights approved the QAS recommendation that this office be entrusted for traditional fruit varieties and that the examination office be given until the end of May 2012 to take the remedial measures required for the two additional species for which it had applied for entrustment.

In the case of Latvia, the AC members with voting rights approved the QAS recommendation that entrustment be withdrawn.

In the case of Romania (ISTIS), the AC members unanimously adopted a decision to suspend entrustment until the first AC meeting of 2013.

- **Financing of the quality-audit programme – proposal made to the AC:** apart from Finland, which abstained, the AC members with voting rights approved the CPVO proposal that the present financing system be continued, in other words that audit costs remain the responsibility of the CPVO, for another three-year audit cycle.

#### **IX. Designation of examination offices**

- **Results of the inventory of January 2012 on new species:** the AC members with voting rights unanimously designated the offices proposed by the CPVO for the relevant 28 species.
- **Information regarding amendments to Annex I for certain species:** the AC members took note of the list presented to them.

#### **X. CPVO technical protocols**

The AC members with voting rights unanimously adopted the new technical protocols for *Gaura* L. and *Buddleja* L. as well as revisions of five existing protocols for *Oryza sativa* L., *Hordeum vulgare* L. *sensu lato*, *Solanum lycopersicum* L., *Spinacia oleracea* L. and *Hydrangea* L.

#### **XI. Appraisal of the President; appointment of rapporteurs**

The AC members with voting rights unanimously appointed Mr Ladislav Miko and Mr Udo von Kroecher as rapporteurs for the appraisal of the President of the CPVO.

#### **XII. Annual accounts for 2011 and financial outlook**

The AC members took note of the accounts for 2011 and of the financial outlook for 2012.

#### **XIII. Provisional draft budget for 2013**

The AC members took note of the provisional draft budget for 2013, pursuant to Article 109(3) of the Basic Regulation.

#### **XIV. Evaluation of the CPVO system – update**

The AC members noted that the Commission was currently preparing the plan of action in response to the evaluation of the CPVO system. The proposed measures and the findings would be available in June or July 2012. In the meantime, consultations would take place with the Member States and the CPVO. All parties would have time to express their views.

#### **XV. Fees**

- **Reduction of the application fee:** the Commission confirmed that the regulation would be adopted before the end of the year.
- **Report on the structure of CPVO fees:** the AC members and the observers were invited to send their comments in writing on the three options presented by the CPVO. These comments should be sent in good time for the CPVO to revise the report before the next AC meeting. The CPVO would send an e-mail to all members with a deadline and an indication of the matters on which it wished to receive comments.

#### **XVI. CPVO programme of work for 2012**

The AC members took note of the programme of work for 2012. They confirmed that they would appreciate a more comprehensive outline as proposed by the President of the CPVO for the 2013 report.

#### **XVII. Multiannual staff-policy plan for 2013-2015**

The AC members with voting rights adopted the multiannual staff-policy plan for 2013-2015.

#### **XVIII. Progress on the various IT projects**

The AC members took note of this update.

#### **XIX. Report on the annual meeting between the CPVO and its examination offices in 2011**

The AC members took note of this report.

## **XX. Any other business**

- **Possible new tasks for the CPVO:** the AC members took note of the latest progress. Since the controversial subject of VCU – value for cultivation and use – had been eliminated, the AC members and the observers were able to consider the six priorities presented by the Commission. They were invited to send their comments in writing to the Commission within the next four weeks.
- **European Observatory on Counterfeiting and Piracy:** the AC members noted that this observatory was currently being transferred to OHIM, the Office for Harmonization in the Internal Market (Trade Marks and Designs), and that its remit would include plant varieties. The President of the CPVO was going to apply to the President of OHIM for CPVO membership of the observatory.
- **Request from an applicant to inform the AC:** the AC members took note of the information concerning this request and expressed support for the procedure followed by the CPVO.