

## ADMINISTRATIVE COUNCIL OF THE CPVO

Nitra, 18-19 March 2014

### Main conclusions

#### **I. Adoption of the draft minutes of the meeting of 2 October 2013**

The AC adopted the draft minutes of the meeting of 2 October 2013 with the modifications proposed by UPOV.

#### **II. President's reports**

The members of the AC took note of the report of the CPVO President, the statistics as well as the situation concerning the proposal for PRM regulation (item 15 of the agenda).

The members of the AC also analysed the annual activity report and adopted the "Analysis and Assessment of 2013 Annual Activity Report". The document, signed by the chairperson, will be sent to the Court of Auditors.

The members of the AC took note of the social report for 2013.

#### **III. Discharge of the President in respect of the implementation of the budget for 2012 (Doc-AC/14/01/04 + annex)**

The AC adopted a decision to discharge the CPVO President for the financial year 2012.

#### **IV. Strategic plan 2012/2013– update (Doc-AC/14/01/05 – in English)**

The members of the AC took note of the strategic plan.

#### **V. CPVO activities beyond EU borders (Doc-AC/14/01/06)**

The members of the AC took note of the international strategy of the CPVO outside the EU.

#### **VI. Implementing rules for staff Regulations (Doc-AC/14/01/07)**

The members of the AC approved the Commission's proposal to formally consult DG HR in writing if the option of derogating from adopting the Implementing rules through the AC could be acceptable. If DG HR answers negatively the Implementing rules would be communicated to the AC members for adoption by written procedure. It should be noted that the Commission and the European Data Protection Supervisor must also agree to the rules

#### **VII. Multiannual Staff Policy Plan (Doc-AC/14/01/08)**

The President will send the MSPP together with the Commission's reasoned opinion and his assessment to the AC Members before the end of May for adoption. If the President do not agree with the Commission's reasoned opinion the issue will be discussed at the next AC meeting.

#### **VIII. Provisional accounts 2013 (Doc-AC/14/01/09)**

The AC members took note of the provisional accounts for 2013 in accordance with Article 78 of the Financial Regulation.

**IX. Analysis of fees and costs – Proposal to amend the fees regulation (Doc-AC/14/01/10)**

A majority of AC members expressed themselves in favor of a move towards 85 % of recovery of the costs of DUS testing as from 1 January 2015 with alignment of cost groups and fee groups (Article 8.1 of the fees regulation). Furthermore, the AC Members agreed in principle to a move at a later stage to 100 % but no decision has been taken. The AC members also decided to remove the limit of 3000 euros for hybrids (Article 8.5 of the Fees Regulation) and to reduce the fees for 'not filed' to 200 euros (Article 7.7 of the Fees Regulation).

**X. Direct financial relationship (Doc-AC/14/01/11 + annex)**

The AC members decided against the introduction of a direct financial relationship between applicants and EOs

**XI. Preliminary draft budget for 2015 (Doc-AC/14/01/12)**

The AC members took note of the preliminary draft budget for 2015.

**XII. Road map on Institutional Matters (oral presentation)**

The AC members took note of the information provided by the Commission as regards the state of play of the Roadmap.

**XIII. Decision on the remuneration of the members of the Board of Appeal of the CPVO (Doc-AC/14/01/13 + annex)**

The AC adopted the modified decision on the remuneration of the members of the Board of Appeal of the CPVO as proposed.

**XIV. Seminar on the interface between patents and Plant Variety Rights (Doc-AC/14/01/14 + annex)**

The AC decided to maintain the proposal but to postpone the organization date until two pertinent EPO's decisions will be available. The draft agenda will then be proposed again for comments.

**XV. Review report of the Quality Audit Service for 2013 (Doc-AC/14/01/15 + annexes in English)**

The AC adopted the QAS review report for 2013.

**XVI. Entrustment recommendations - update (Documents on QAS web site – EN only)**

The AC decided to follow 3 entrustment recommendations, with the complete or amended scope, made by the Quality Audit Service and thus continue entrustments the following offices:

- UK (FERA):
- NL (NAKT)
- ES (OEVV)

In addition, they took note that the process for the extension request from France was aborted

**XVII. Report from the Working Group on fees to be paid by Examination offices for QAS audits (Doc-AC/14/01/16 + annex)**

The AC decided that EOs shall pay a fee for the QAS audits based on the 50 % proposal. Accordingly, it was agreed to share the audit fee between CPVO and EOs. The implementation of this decision will take effect following the next cost calculation exercise in order for EOs to take into account their costs for such fees.

**XVIII. Entrustment of Examination offices (Doc-AC/14/01/17)**

The AC entrusted the Examination offices proposed by the CPVO for the 27 species concerned.

**XIX. Ad hoc Legal Working Group – State of Affairs (Doc-AC/14/01/18)**

Due to time constraints, the AC members were invited to send their comments in writing to the CPVO.

**XX. Evaluation of CPVO Research and Development projects 2002-2014 (Doc-AC/14/01/19)**

The AC members took note of the evaluation of CPVO R&D projects since 2002.

**XXI. Centralization of DUS testing for small species in the ornamental sector – report on the state of affairs (Doc-AC/14/01/20)**

Due to time constraints, the AC members were invited to send their comments in writing to the CPVO.

**XXII. Disease resistance characteristics in vegetable DUS examination, report on the discussion at the VEM 2013 (Doc-AC/14/01/21)**

Due to time constraints, the AC members were invited to send their comments in writing to the CPVO.

**XXIII. CPVO policy on the status of plant material used for DUS testing purposes (Doc-AC/14/01/22)**

The AC adopted the revised policy on status of material used for DUS testing purposes with the two changes proposed by Plantum and UPOV.

**XXIV. CPVO Technical Protocols for DUS testing to be approved (Doc-AC/14/01/23 + annexes in English)**

The members of the AC with voting rights present or represented, unanimously adopted the eight new technical protocols, with retroactive effect for some of them, for *Citrus* L. – Group 4 (grape fruit) (CPVO-TP/204/1), *Agapanthus* L'Hér (CPVO-TP/266/1), *Bougainvillea* Comm. ex Juss (CPVO-TP/267/1), *Punica granatum* L. (CPVO-TP/284/1), *Hebe* Comm. ex Juss (CPVO-TP/286/1), *Dianella* Lam. ex Juss (CPVO-TP/288/1), *Lobelia alsinoides* Lam.; *Lobelia erinus* L.; *Lobelia valida* L. Bolus, *Hybrids between Lobelia erinus and Lobelia alsinoides* (CPVO-TP/293/1), and *Solanum lycopersicum* L. x *Solanum habrochaites* S. Knapp & D.M. Spooner; *Solanum lycopersicum* L. x *Solanum peruvianum* (L.) Mill.; *Solanum lycopersicum* L. x *Solanum cheesmaniae* (L. Ridley) Fosberg (CPVO-TP/294/1).

They furthermore unanimously adopted the eight revisions of technical protocols, with retroactive effect for some of them, for *Rubus ideaus* L. (CPVO-TP/043/2), *Linum usitatissimum* L. (CPVO-TP/057/2), *Cichorium endivia* L. (CPVO-TP/118/3), *Cucurbita pepo* L. (CPVO-TP/119/1), *Triticum turgidum* L. subsp. *durum* (Desf.) Husn. (CPVO-TP/120/3), *Citrullus lanatus* (Thunb.) Matsum. et Nakai L. (CPVO-TP/142/2), *Osteospermum* L.; *hybrids* with *Dimorphotheca Vaill. ex Moench* (CPVO-TP/176/3), and *Phalaenopsis* Blume and x*Doritaenopsis* hort. (CPVO-TP/213/2).

**XXV. Postponement Rules – Update of the list of species (Doc-AC/14/01/24 + annex)**

The AC adopted the amendment to the postponement rules.

**XXVI. The International Treaty and the Nagoya Protocol – state of affairs (Oral presentation)**

The AC members took note of the update made by ESA and the Commission.