

ADMINISTRATIVE COUNCIL OF THE CPVO

Angers, 19 April 2016

Main conclusions

1. Decision on appointing the Reporting Officers of the President and Vice President of the CPVO (Doc-AC-2016-1-4)

The AC appointed Mr Miko and Ms Pavlovska as reporting officers for the President of the CPVO and Ms André and Ms Pavlovska as reporting officers for the Vice-President of the CPVO.

2. Report on the HR Situation (Doc-AC-2016-1-5) and 3. Presentation on the inter-institutional working group II (IIWG) on agencies (DOC-AC-2016-1-6-EN)

The AC took note of the situation. It decided to wait for the outcome of the IIWG, possibly in September 2016, and to return to the discussions in October 2016. It invited all Member States representatives to prepare a position as regards the additional 5% staff cutting for next AC meeting in October 2016 in case no resolution of the IIWG would then be available. This is of particular importance since the Budget 2017, which includes the CPVO establishment plan, must be adopted at that meeting.

4. Presentation of the Cooperation between the CPVO and EPO (DOC-AC-2016-1-7-EN + annexes)

The AC took note of the cooperation with EPO and supported its continuation as planned.

5. Presentation of the IT developments in the CPVO – state of play and risks (DOC-AC-2016-1-8-EN)

The AC took note of the situation in IT and agreed on the proposal for using up to three contract agents to achieve the priorities presented by the CPVO.

6. Presentation of the CPVO Preliminary Draft Budget 2017 (DOC-AC-2016-1-9-EN + annex)

The AC took note of the preliminary draft budget for 2017.

7. President's report (Consolidated Annual Activity Report) (DOC-AC-2016-1-10-EN)

The AC took note of the Consolidated Annual Activity Report for 2015 and agreed on the signature by the AC chairman of the "Administrative Council analysis and assessment" as proposed.

8. Decision on the Discharge of the President for financial year 2014 (DOC-AC-2016-1-11-EN + annex)

The AC adopted the discharge of the President for financial year 2014.

9. Report on the Single Programming Document 2017-2019 (DOC-AC-2016-1-12-EN + annex)

The AC took note of the Single Programming Document for 2017-2019. The Commission would provide comments in writing and the document would be updated, including the comment from

Sweden. The CPVO would propose a draft fee policy over the next 3 to 5 years to be discussed at the next AC meeting together with a proposal on a "suitable target" for the free reserve.

10. Report on the state of Affairs on a proposal to amend Commission Regulation N° 874/2009 (Oral presentation)

The AC took note that the internal Commission procedure had been started and that a vote is foreseen on 7 July 2016 in the Standing Committee on Plants, Animals, Food and Feed- Section Seeds.

11. Decision on the endorsement of the AC to take over DUS reports from certain examination offices outside the EU (DOC-AC-2016-1-14-EN)

11.1 DUS reports for Coffee varieties from Columbia (DOC-AC-2016-1-14-Annex-1-EN)

11.2 DUS reports for Neotyphodium varieties from New Zealand (DOC-AC-2016-1-14-Annex-2-EN)

The AC agreed with the proposal to enter into written agreements with the New Zealand Examination Office and the Columbian Examination Office in order to take over their reports for varieties of, respectively, Neotyphodium and Coffee.

12. Decision on the novelty guidelines (follow up ad hoc LWG) (DOC-AC-2016-1-15-EN + annex)

The AC concluded that the subject would be presented again in a next AC meeting once the consultation of the Commission Legal Service and the Secretariat General would have been finalised.

13. Decision on the proposals for fee changes (DOC-AC-2016-1-16-EN+ 2 annexes)

The AC agreed with the proposal put forward by the CPVO in terms of 85% examination costs recovery and increase of the annual fee with a change in the Fees regulation and the increase of take-over fee.

14. Decision on the request to extend the duration of Community Plant Variety Rights of Asparagus and wood crops and flower bulbs for an additional 5 years (DOC-AC-2016-1-17-EN+4 annexes)

The AC members expressed support to extend the duration, under Article 19(2) BR, of CPVRs for Asparagus, wood crops and flower bulbs for an additional 5 years. They decided to make a formal request to the Commission to take legislative initiative to extend the duration of the protection for those crops.

15. Decision on the QAS recommendations to entrust Examination Offices (DOC-AC-2016-1-18)

The AC members adopted the 4 recommendations put forward by the Audit Team Leader for United Kingdom (NIAB), Italy (CRA-VIT), Greece (Ministry of Rural development and Food) and France (GEVES).

16. Decision on the Members of the Audit Advisory Board (DOC-AC-2016-1-19-EN + 1 annex)

The AC appointed Mr de Boer as President of the Audit Advisory Board (AAB) and Mr Scholte, Mr Etavard, Mr Theobald and Mr Moran as members of the AAB for the period 2016-2018.

17. CPVO policy on prevention and management of conflict of interest – Declaration of absence of c.o.i to be signed by AC Members (DOC-AC-2016-1-20-EN + annex)

The AC agreed on the clarification to be brought to the documentation to include the alternate members as well. It invited the the CPVO to send the form to AC members and alternate members for them to sign and to return them to both the Chairperson of the AC and to the President of the CPVO.

18. Approval of CPVO Technical Protocols for DUS testing (DOC-AC-2016-1-21-EN+ 10 annexes in English)

The AC adopted 4 new and 6 revised technical protocols presented for CPVO-TP/032/1- *Vicia sativa* L., CPVO-TP/062/1-*Rheum rhabarbarum* L., CPVO-TP/088/1 - *Gossypium* L., CPVO-TP/234/1 - *Cucurbita moschata* Duch., CPVO-TP/013/5 Rev -*Lactuca sativa* L., CPVO-TP/044/4 Rev2-*Solanum lycopersicum* L., CPVO-TP/055/5 Rev-*Spinacia oleracea* L., CPVO-TP/201/2 Rev-Citrus L. - Group 1 (Mandarins), CPVO-TP/207/3-*Calibrachoa* Cerv., CPVO-TP/294/1 Rev-*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 (Tomato rootstocks).

19. Decision on the review of the rose project (DOC-AC-2016-1-22-EN)

The AC agreed on the proposal not to end the automatic sampling and DNA storage for all rose candidates and to leave it on a voluntary basis, at the costs of the applicant/breeder, as from September 2016.

20. UPOV Issues: ITPGRFA and UPOV symposium in October 2016 (DOC-AC-2016-1-23-EN)

The AC concluded that it had no mandate to take decisions on UPOV matters. It proposed, in the framework on contracting parties, that the Netherlands and others could make proposals to UPOV for speakers for presentations.

21. Presentation of the Cooperation between CPVO and the EU Intellectual Property Office (former OHIM) (DOC-AC-2016-1-24-EN)

The AC took note of the details of the ongoing cooperation projects with EUIPO. The AC would be updated on the outcome of the discussions at the following AC meeting in October 2016.

22. Comments on the EP Resolution No. (2015/2981 RSP) on patents and plant breeders' rights (DOC-AC-2016-1-25-EN)

The AC took note of the report and in particular that the Commission is currently considering workable and well balanced solutions for clarifying the legal situation between patent law and plant breeders' rights, without revising the Biotech Directive.

23. CPVO Working Group on Variety Finder (DOC-AC-2016-1-26-EN)

The AC took note of the situation and that a written report would be sent on the outcome of the Working Group on Variety Finder which will be held on 24 June 2016.

24. CPVO Working Group on Variety Denominations (DOC-AC-2016-1-27-EN)

The AC took note of the situation and asked CPVO to circulate the report of March 2016 of the UPOV Working Group on Variety Denominations (WG-DEN) among members of the CPVO Working Group for them to consider the issues raised during the UPOV process.

25. Report on the Explanatory notes of postponement rules (DOC-AC-2016-1-28-EN + annex)

The AC members took note of the report on the Explanatory notes of postponement rules.

26. Report on R&D projects (DOC-AC-2016-1-29-EN)

The AC took note of the report on R&D projects.

27. QAS review report 2015 (DOC-AC-2016-1-30-EN+ annex)

The AC took note of the QAS review report for 2015.

28. President's report on QAS activities 2013 – 2015 (DOC-AC-2016-1-31-EN)

The AC members took note of the report on on QAS activities 2013 – 2015.

29. Report on the Provisional Accounts 2015 (DOC-AC-2016-1-32-EN + annex)

The AC took note of the report on provisional accounts 2015.

30. Report on the Gender balance on the administrative councils of EU agencies (DOC-AC-2016-1-33-EN + annex)

The AC members took note of the report the gender balance on the administrative councils of EU agencies.