



CPVO

Community Plant Variety Office

Annual report 2015





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1. MESSAGE OF WELCOME FROM MARTIN EKVAD, PRESIDENT OF THE COMMUNITY PLANT VARIETY OFFICE



Martin Ekvad

2015 was a very special year for the Community Plant Variety Office (CPVO or the Office), as it celebrated 20 years of existence. The CPVO marked the occasion by hosting a seminar in October with keynote speakers such as Vytenis Andriukaitis, Commissioner for Health and Food Safety; Francis Gurry, Director General of the World Intellectual Property Organisation (WIPO) and Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV); and Czesław Siekierski MEP, Chair of the Agriculture and Rural Development Committee of the European Parliament. This celebratory occasion allowed the CPVO to reflect on past accomplishments, none of which would have been possible without the constant cooperation and support of breeders, the plant-producing and agricultural industry, our partner organisations in the Member States, the Administrative Council (AC), the European Commission and the European Parliament.

The CPVO wishes to thank the above for the progress we have made together.

In these 20 short years, the CPVO has gone from a start-up project with a handful of enthusiastic people to a steady, high-quality and effective European Union agency. The CPVO and the EU system of plant variety rights (PVR) is renowned throughout the breeding community, both inside and outside the borders of the EU. The speakers in the abovementioned seminar emphasised that the EU plant variety protection system has become the largest system of its kind in the world, inspiring other international organisations to attain PVR excellence.

The 20th anniversary also afforded the CPVO the opportunity to look to the future. It is my firm opinion that, in addition to the important technical and legal work done by the CPVO, the development of IT tools and databases for the benefit of stakeholders and the public will play a key role in the future of the CPVO and the development of the PVR system.


Whatever the future holds, you can be assured that the CPVO will work hard to build on the success of the past and to ensure that the next 20 years will be just as fruitful as the first 20.

I am delighted to announce that CPVO applications remained strong in 2015, with 3 111 applications in total. The processing of over 54 000 applications since 1995 underlines the stability and sustainability of the system.

The CPVO successfully reduced its free reserve. A planned negative out-turn was reached following the reduction of fees in 2013 and 2014. The long-term aim of the CPVO is to maintain stable application and annual fees, while the fees for technical examinations will be adjusted to the costs of performing distinctness, uniformity and stability (DUS) tests. This development is further evidence of the CPVO's commitment to providing a service at as low a cost as possible.

Following decisions by the enlarged Board of Appeal of the European Patent Office (EPO), which outlined the limits of what can be patented as regards plant-related innovations, the CPVO organised a seminar for the AC and the observers of the AC on this subject. Another seminar on this topic, which will be offered to a larger audience, will be organised by the CPVO in 2017.

In 2015, the CPVO hosted the UPOV Technical Working Party for Vegetables (TWV) at the business centre in Terra Botanica. Experts from all corners of the world benefited from this week-long event. Angers, France and its surrounding areas lend themselves to such a visit. For example, the visit to the Group for the Study and Control of Varieties and Seeds (GEVES) was highly appreciated. Following what I believe was the very successful organisation of the TWV in 2015, the CPVO was asked and has agreed to host the UPOV Technical Working Party for Fruit Crops (TWF) from 14 to 18 November 2016.

For up-to-date information on the CPVO's activities, please visit the CPVO website, read its newsletter and follow and engage with the CPVO on Twitter:  @CPVOTweets

Finally, I would like to thank all those who contributed to and supported the work of the CPVO throughout 2015, and special thanks for the excellent work of the CPVO's staff.

2. FOREWORD BY ANDREW MITCHELL, CHAIR OF THE CPVO ADMINISTRATIVE COUNCIL



Andrew Mitchell

I was delighted to accept the role of Chair of the AC in October 2015 and thank my colleagues for their confidence in electing me. It was a pleasure to chair my first meeting on the occasion of the CPVO's 20th anniversary and I very much appreciate the AC's support. I would particularly like to thank Ms Bronislava Bátorová for her excellent chairing of the AC for the last 3 years.

In the course of 2015, the AC adopted a number of important decisions. At its March meeting, it agreed to decrease the fee for online applications from EUR 650 to EUR 450, with effect from January 2016. The CPVO's introduction of online applications in March 2010 has proved hugely popular with clients. In 2015, just under 80 % of all CPVO applications were submitted online, and the objective is to increase this towards 100 %. Importantly, the high level of online applications has allowed the CPVO to reduce processing times and streamline administrative work, focusing instead on client service.

The AC strongly supports the CPVO's commitment to continuous improvement of DUS testing by its network of examination offices (EOs). One particular aspect is research and development (R & D) to improve the quality of DUS tests, without increasing costs in the testing network. In 2015, the AC took an important step in this direction with the adoption of a revised R & D strategy for 2015-2020. As part of the strategy, the AC has adopted the terms of reference for an ad hoc working group for the integration of molecular data into DUS testing (Imoddus), with the first meeting to be held in April 2016. The working group will bring together DUS experts, molecular researchers and plant breeders for a fresh approach to the development and integration of molecular techniques in DUS testing.

At its October meeting, the AC's decisions included new rules for technical liaison officers (TLOs), an amended policy on plant material submitted for DUS testing and the approval of new members of the CPVO's Board of Appeal.

I particularly welcome the increased transparency, and broader input, the new rules on the admission of observers will bring to meetings of the CPVO's EOs and technical experts.

EOs will especially welcome the amendment of the CPVO's financial regulation, which will allow upfront payment for technical examinations. This will be implemented through the CPVO's electronic processing and payment of invoices to manage the potential increase in administration.

On completion of the second 3-year cycle of EO audits, it was decided to review the CPVO's entrustment and quality requirements. The AC has now adopted the updated requirements, which provide clarification and practical adjustments, based on the experience of the CPVO and its EOs. These requirements set the standards for DUS testing and the operation of EOs, and so regulate the EU system of PVRs. The importance and benefits of the entrustment exercise in ensuring the quality of DUS testing across the EU cannot be overstated.

Finally, I would like to thank the CPVO's staff and the members of the AC and its observers for their dedication, hard work and valuable input during the year.

3. THE CPVO CELEBRATES ITS 20TH BIRTHDAY

On 1 October 2015, the CPVO celebrated 20 years of protecting EU PVRs. Below is a collage of photos from this event. It gives the CPVO great pleasure to thank and congratulate all those who have contributed to its work and achievements over the past 20 years. The CPVO looks forward to many more years of fruitful cooperation with its partners and stakeholders, working to further develop a global regulatory environment for PVRs.







4. THE COMMUNITY PLANT VARIETY RIGHTS SYSTEM

The Community plant variety rights (CPVR) system celebrated its 20th anniversary in 2015. From its foundation, a centralised procedure has made the system for protecting new varieties of plants in the European Union very attractive to breeders.

Through the CPVR system, a unitary exploitation right for a plant variety is acquired throughout the whole territory of the EU via a single application to the CPVO.

The CPVR system is not intended to replace or even to harmonise national systems, but rather to exist alongside them as an alternative. Indeed, it is not possible for the owner of a variety to exploit simultaneously a CPVR and a national right or a patent granted in relation to that variety. Where a CPVR is granted in relation to a variety for which a national right or patent has already been granted, the national right or patent is rendered ineffective for the duration of the CPVR.

The legal basis for the CPVR system is found in Council Regulation (EC) No 2100/94 on Community plant variety rights (the basic regulation). On receipt of an application for a CPVR, the Office must establish that the variety is novel and that it satisfies the DUS criteria. Following the fulfilment of the formal and substantive examinations of applications, the Office arranges for a technical examination to determine DUS, to be carried out by the competent offices in Member States or by other appropriate authorities outside the EU. In order to avoid unnecessary duplication of work where such a technical examination is being — or has already been — carried out in relation to a variety for official purposes, the Office may, subject to certain conditions, accept the results of that examination by taking over the report concerned.

Anyone may lodge an objection to the granting of a CPVR with the Office in writing and within specified time limits. The grounds for objection are restricted to allegations either that the conditions laid down in Articles 7 to 11 of the basic regulation are not met (DUS, novelty or entitlement) or that the proposed variety denomination is unsuitable due to one of the impediments listed in Article 63 of the basic regulation. Objectors become parties to the application proceedings and are entitled to access relevant documents.

Except in two specific instances where a direct action against a decision of the Office may be brought before the Court of Justice of the European Union, a right of appeal against such a decision lies with a Board of Appeal consisting of a Chair appointed by the Council of the European Union and two other members selected by the Chair from a list adopted by the AC. The addressee of a decision, or any person who is directly and individually concerned by the decision, may appeal against it. After examining the appeal, the Board of Appeal may exercise any power that lies within the competence of the Office or refer the case back to the Office, which is bound by the Board of Appeal's decision. Actions against decisions of the Board of Appeal may be brought before the Court of Justice of the European Union, based in Luxembourg. Decisions of the Board of Appeal and of the Court of Justice of the European Union are published in the CPVO case-law database on the CPVO website.

The table in Section 17 shows the number of notices of appeal lodged with the CPVO and the decisions reached by the Board of Appeal.

Once granted, the duration of a CPVR is 25 years, or 30 years in the case of potato, vine and tree varieties. These periods may be extended by legislation for a further 5 years in relation to specific genera or species. The effect of a CPVR is that certain specified activities in relation to variety constituents or the harvested material of the newly protected variety require the prior authorisation of the rights-holder. Such authorisation may be granted subject to conditions and limitations. Infringement of a CPVR entitles the rights-holder to commence civil proceedings against the perpetrator of the infringement.

Registers, which are open to public inspection, contain details of all applications received and all CPVRs granted by the Office. The Official Gazette of the Community Plant Variety Office is published every 2 months and contains the information entered in the registers. Information on applications and titles in force is also found in a database accessible via the CPVO website.

5. THE ADMINISTRATIVE COUNCIL



Andrew Mitchell, Bistra Pavlovska, Martin Ekvad

The CPVO is supervised by an AC comprising representatives of the Member States and the European Commission and their alternates. The AC monitors the activities of the Office. In particular, it is responsible for examining the President's management report, adopting the Office's budget and granting discharge to the President in respect of its implementation. In addition, it can provide advice, establish rules on working methods within the Office and issue guidelines on technical examinations, committees of the Office and general matters.

The AC met twice in 2015 in Angers, on 10 and 11 March and on 30 September and 1 October.

At the meeting on **10 and 11 March**, the members of the AC elected their new Chair and Vice-Chair for the next 3 years. Mr Andrew Mitchell from the United Kingdom was elected Chair of the AC and Mrs Bistra Pavloska from Bulgaria was elected Vice-Chair. Both mandates run from 12 March 2015.

During that meeting, the members of the AC adopted the following.

- The AC analysis and assessment — included, as from 2015, in the consolidated annual activity report.
- The discharge of the President of the CPVO for implementation of the 2013 budget.
- The proposal to amend Commission Regulation (EC) No 1238/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the CPVO (the fees regulation) to set the application fee at EUR 450 for online applications and at EUR 650 for paper applications from 1 January 2016.
- The revised R & D strategy in relation to the CPVO (co-)financing of R & D projects for the 2015-2020 period.
- The terms of reference of the Imoddis working group.
- The Commission guidelines on gifts and hospitality for CPVO staff members.
- A list of 31 technical experts involved in the CPVO's quality audit system for the 2015-2018 period.
- The entrustment of the following EOs:
 - (a) the Executive Agency for Variety Testing, Field Inspection and Seed Control (Bulgaria);
 - (b) GEVES (France).
- The Quality Audit Service (QAS) review report for 2014.
- Eight new technical protocols, for: CPVO-TP/089/1 — *Brassica napus* L. var. *napobrassica* (L.) Rchb.; CPVO-TP/106/1 — *Beta vulgaris* L. var. *cicla* L. (Ulrich); CPVO-TP/116/1 — *Scorzonera hispanica* L.; CPVO-TP/155/1 — *Cucurbita maxima* Duch.; CPVO-TP/269/1 — *Vriesea* Lindl.; CPVO-TP/279/1 — *Canna* L.; CPVO-TP/298/1 — *Mandevilla sanderi* (Hemsl.) Woodson, *Mandevilla xamabilis* (Backh. & Backh. f.) Dress; and CPVO-TP/299/1 — *Hosta* Tratt.

- Six revisions of technical protocols, for: CPVO-TP/198/2 — *Allium schoenoprasum* L.; CPVO-TP/007/2 Rev. — *Pisum sativum* L.; CPVO-TP/064/2 Rev. — *Raphanus sativus* L. var. *sativus*, *Raphanus sativus* L. var. *niger* (Mill.) S. Kerner; CPVO-TP/108/3 — *Gladiolus* L.; CPVO-TP/053/2 Rev. — *Prunus persica* (L.) Batsch.; and CPVO-TP/187/2 — *Prunus* L.
- The entrustment of the EOs proposed by the CPVO for the testing of 36 new species.

The members of the AC also took note of:

- the 2014 consolidated annual activity report;
- the 2014 provisional accounts;
- the draft agenda for the seminar of June 2015 on the interface between PVRs and patents;
- the report on the rose R & D project for the 2011-2014 period, and agreed to the postponement for 1 year of the adoption of the proposal to end the automatic storage of deoxyribonucleic acid (DNA) samples from roses and to leave it on a voluntary basis, with the costs borne by the applicant/breeder;
- the African Intellectual Property Organisation's (OAPI) request for cooperation with the CPVO (a detailed cooperation proposal should be developed and presented at a forthcoming AC meeting);
- the information as regards the vote in the European Parliament on surpluses from self-financed agencies to be paid to the EU general budget, and expected to be informed on the follow-up to be given;
- the state of affairs of the International Treaty on Plant Genetic Resources for Food and Agriculture and the Nagoya Protocol.

They furthermore:

- agreed to adopt the multiannual staff policy plan by written procedure, since some amendments had to be included by the CPVO at the time of the meeting;
- agreed to the CPVO's proposal to continue, for an unlimited period, the cooperation with the Royal General Bulb Growers' Association (KAVB) within the framework of enhanced cooperation on variety denominations;
- agreed to the CPVO's proposal to amend the rules on TLOs;
- took note that an independency policy focusing on the more sensitive sectors (including the AC) was being drafted by the CPVO with the aim of identifying the risks in the Office and acting in order to deal with those risks;
- took note that the plant reproductive material proposal had been formally withdrawn on 7 March 2015, and that no decision had yet been taken as regards the way forward;
- were informed that the CPVO would make use of the services of the internal auditor of the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) to perform its internal audits from then;
- received sufficient evidence that the reorganisation of DUS testing in Northern Ireland would not have a negative impact on the tests currently carried out.

Finally, the members of the AC were invited to send their comments in writing to the CPVO as regards two documents that would be adopted at a forthcoming meeting:

- the report of the ad hoc Legal Working Group on legislative matters (LWG);
- the draft revised entrustment requirements (within the framework of the quality audit system).

At the meeting on **30 September and 1 October**, the members of the AC adopted the following.

- The revised financial regulation of the CPVO and its implementing rules.
- The draft budget for 2016.
- The decision on the admission of observers to the CPVO's annual examination and technical experts' meetings.
- The policy on the status of plant material used for DUS testing purposes.
- The policy on the prevention and management of conflicts of interests.
- Amended rules on the appointment of TLOs.
- The entrustment of the following EOs:
 - (a) Bundesamt für Ernährungssicherheit (BAES) (Austria);
 - (b) University of Aarhus-Aarslev (AU) (Denmark);
 - (c) Finnish Food Safety Authority (EVIRA) (Finland);
 - (d) Centro di Ricerca per la Frutticoltura (CRA-FRU) (Italy);
 - (e) Department of Agriculture Food and the Marine (Ireland);
 - (f) Centro di Ricerca per la Viticoltura (CRA-VIT) (Italy);
 - (g) Swedish Board of Agriculture (Sweden);
 - (h) Consiglio per la Ricerca in Agricoltura e l'analisi dell'economia agraria, Centro di Sperimentazione e Certificazione delle Sementi (CRA-SCS) (Italy).
- The revised QAS procedure manual, which includes public access to documents held in the quality audit system.
- The revised entrustment requirements (within the framework of the QAS).



Administrative Council meeting, March 2015, Angers, France

- Seven revisions of technical protocols, for: CPVO-TP/016/3 Rev. — *Oryza sativa* L.; CPVO-TP/019/4 Rev. — *Hordeum vulgare* L. *sensu lato*; CPVO-TP/020/2 Rev. — *Avena sativa* L., *Avena nuda* L.; CPVO-TP/025/2 Rev. — *Dianthus* L.; CPVO-TP/039/1 New — *Festuca pratensis* Huds, *Festuca arundinacea* Schreb; CPVO-TP/109/1 Rev. — *Pelargonium grandiflorum*; and CPVO-TP/263/1 Rev. — *Buddleja* L.
- The decision on the composition of the five CPVO decision committees for the period from 1 January 2016 to 31 December 2020.
- A list of 23 qualified members of the Board of Appeal for the period from 23 February 2016 to 22 February 2021.
- A procedure to adopt minutes of the AC with no debate.

They furthermore:

- agreed that the report of the LWG would not be formally adopted (it would bear such indication on a cover note and would be made available on request);
- agreed on the creation of an ad hoc working group to define the scope of possible developments of the Variety Finder database;
- agreed on the creation of an ad hoc working group in order to revise the guidelines on variety denominations and their explanatory notes;
- agreed on the principle of establishing a running-in phase when adopting asterisked disease-resistance characteristics in vegetable CPVO technical protocols;
- decided that another CPVO seminar on the interface between patents and PVRs would take place in 2017;
- decided not to amend the current rules on observership of AC meetings;
- decided to postpone the adoption of the CPVO's anti-fraud strategy until a forthcoming meeting.

The members of the AC also took note of the following.

- The report of the President of the CPVO with its statistics.
- The 2016 annual work programme of the CPVO.
- The state of affairs of two ongoing R & D projects co-financed by the CPVO.
- The state of affairs of the ongoing process of centralisation of DUS testing for small ornamental species.
- That the first meeting of the Imoddis working group would take place on 21 April 2016. Qualified persons with relevant experience interested in attending such meetings were invited to send their applications to the CPVO.
- The current procedure to assess non-EU-based EOs before initiating technical cooperation. At a later stage, the subject should be considered within the framework of the Commission's proposal to amend Commission Regulation (EC) No 874/2009.

Finally, in an oral presentation, the Luxembourg representatives to the AC presented the programme of the Luxembourg Presidency of the Council as regards plant breeders' rights.

Chair of the Administrative Council

Ms B. Bátorová until 11 March 2015

Mr A. Mitchell since 12 March 2015

Vice-Chair of the Administrative Council

Mr A. Mitchell until 11 March 2015

Ms B. Pavlovská since 12 March 2015

Members of the Administrative Council

Belgium	Ms F. De Schutter
	Ms M. Petit (alternate)
Bulgaria	Ms B. Pavlovská
	Mr T. Gadev (alternate)
Czech Republic	Mr D. Jurečka
	Ms R. Safariková (alternate)
Denmark	Mr G. Deneken until 30 June 2015
	Ms K. Riskær since 1 July 2015
	Mr E. Lawaetz (alternate until 30 June 2015)
	Ms M. L. Sonne (alternate since 1 July 2015)
Germany	Mr U. von Kröcher
	Mr H. Freudenstein (alternate)
Estonia	Ms L. Puur
	Alternate vacant
Ireland	Mr D. Coleman
	Mr J. Claffey (alternate)
Greece	Mr E. Pilatos
	Ms A. Georgoula (alternate)
Spain	Ms E. Esteban Rodrigo
	Mr L. Salaices Sanchez (alternate)
France	Mr A. Tridon
	Ms A. Chan-Hon-Tong (alternate)
Croatia	Mr I. Delic
	Alternate vacant
Italy	Ms I. Pugliese
	Alternate vacant
Cyprus	Mr C. Christou
	Mr C. Nicolaou (alternate)
Latvia	Ms S. Kalinina
	Ms D. Bajale (alternate)
Lithuania	Ms S. Juciuvienė
	Ms I. Kemežienė (alternate)
Luxembourg	Mr M. Weyland
	Mr F. Kraus (alternate)

Hungary	Mr Z. Csűrös Mr S. Farkas (alternate)
Malta	Ms M. Delia Mr C. Leone Ganado (alternate until 1 October 2015) Mr M. Cardona (alternate since 2 October 2015)
Netherlands	Mr M. Valstar Mr K. van Ettekoven (alternate)
Austria	Mr P. Zach Mr H. Luftensteiner (alternate)
Poland	Mr E. Gacek Mr M. Behnke (alternate)
Portugal	Ms A.P. Cruz de Carvalho Ms C. Sà (alternate)
Romania	Mr M. Popescu Ms M. Ciora (alternate)
Slovenia	Ms J. Cvelbar Ms H. Rakovec (alternate)
Slovakia	Ms B. Bátorová Ms L. Gasparova (alternate)
Finland	Ms T. Hietaranta Mr M. Puolimatka (alternate)
Sweden	Mr J. Weibull Ms C. Knorpp (alternate)
United Kingdom	Mr A. Mitchell Ms E. Nicol (alternate)
European Commission	Mr L. Miko Ms D. Simion (alternate)

6. ORGANISATION OF THE CPVO

In December 2015, the Office employed 45 persons: 10 officials and 35 temporary agents. Twelve nationalities from the Member States of the EU were represented.

Under the general direction of its President, assisted by the Vice-President, the Office is organised internally into three units and a number of support services, including a service responsible for the quality auditing of EOs. This service is under the administrative responsibility of the President while being independent with regard to its audit operations.

The Technical Unit has the following principal tasks: general coordination of the various technical sectors of the CPVR system; reception and checking of applications for protection; organisation of technical examinations or takeover reports; organisation of variety denomination examinations; preparation for the granting of rights; maintenance of the Office's registers; production of official technical publications; relations with applicants, national offices, stakeholders and international organisations; active participation in international committees of technical experts; and cooperation in the development of technical analysis and studies intended to improve the system (namely CPVO R & D projects). Moreover, advice is given to the Member States in relation to variety denomination proposals received within the framework of national listings and national plant breeders' rights.

The Administration Unit consists of the following three sections.

- The administrative section, which deals with public procurement; the organisation of the Office's publications; the administration, management and monitoring of the Office's inventory of movable property and buildings; and the administration of logistical and operational resources with a view to ensuring the smooth functioning of the Office.
- The financial section, which deals with the management of financial transactions; treasury management; maintenance of the budgetary and general accounts and preparation of budgets and financial documents; and the management of the fees system.
- The IT section ensures that the Office runs smoothly in computing terms. Its tasks include analysis of the Office's hardware and software requirements; design, development and installation of new programs specific to the Office; development and maintenance of the Office's websites; installation of standard programs; maintenance of computer installations and their administration; ensuring the security of the computer system; running the helpdesk; and interinstitutional cooperation in computing.

The Legal Unit provides legal advice to the President and other staff members of the Office, in principle on matters related to the CPVR system, but also on questions of an administrative nature; provides legal interpretations and opinions and also draws up draft legislation; participates in various CPVO committees, thus ensuring that EU procedures and legislation are respected; manages the administration of objections to applications for CPVRs; and provides the secretariat of the Office's Board of Appeal.

The Human Resources Service deals with the administration and management of the Office's human resources in compliance with the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as the Staff Regulations).

The Public Relations Service is responsible for external communication and exhibitions (the CPVO newsletter, the annual report, fairs, etc.).

The Quality Audit Service is responsible for verifying that EOs meet the quality standards required for providing services to the CPVO in the area of testing the compliance of candidate varieties with the DUS criteria, in addition to novelty.

In 2015, the CPVO hosted seven trainees who joined the Office under the traineeship procedure to allow young university graduates to gain experience in the Office for a period of up to 6 months. As of 31 December 2015, three of them were still present. The CPVO also had two interim agents (contracts for limited periods of time) — one in the Human Resources Service and one in the Legal Unit — and one IT external consultant was present in the Office on a half-time basis. One seconded national expert from Germany was also present as from 1 October.

In 2015, the CPVO prepared a social report with information concerning the turnover, work environment and social aspects of the CPVO. The different headings covered in the report were employment (staff members, recruitment procedures, staff joining or leaving the CPVO, promotions, absenteeism, gender balance), working conditions (hours worked, part-time work, parental leave, teleworking), training (language training, IT training, other training) and professional relations (Staff Committee). The CPVO's social reports from 2006 to 2015 can be consulted on the CPVO website under the heading 'Annual reports'.



Stefan Haffke
Seconded national expert
Technical Unit



Alejandra Aluja
Interim agent
Legal Unit



Rosamund Gilonis
Interim agent
Human Resources Service



Sara Kalvachova
Trainee
Administration Unit



Dimitra Koulinopoulou
Trainee
Data protection officer

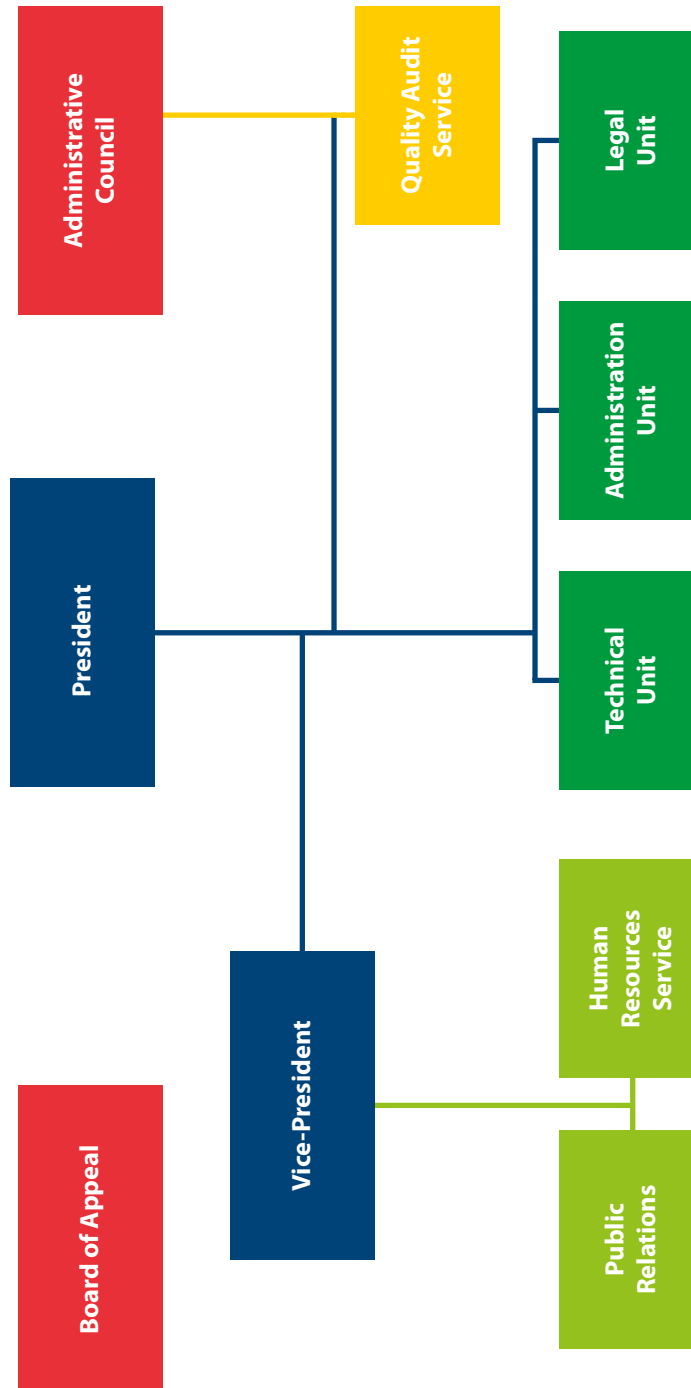


Jakub Puzniak
Trainee
Administration Unit



Maël Godard
External consultant
Administration Unit
(IT section)

ORGANISATION CHART OF THE CPVO



PRESIDENCY



President
Martin Ekvad



Vice-President
Carlos Godinho



Assistant to the Presidency
Cyrille Antoine



Assistant to the Presidency
Aoife Kearney

QUALITY AUDIT SERVICE



Quality Audit Team Leader/Data Protection Officer
Gerhard Schuon

SUPPORT SERVICES



Human Resources Service
Deirdre Killeen



Human Resources Service
Anna Verdini



Public Relations/ Training
Fabienne Santoire

LEGAL UNIT



Head of the Legal Unit
Francesco Mattina



Assistant to the Legal Unit
Marleen Van de Meulebroeke



Legal Advisor
Muriel Lightbourne



Board of Appeal/ Quality Audit
Véronique Doreau

ADMINISTRATION UNIT (AU)



Head of the AU
James Moran



Assistant to the Head of the AU
Béatrice Hodet



Accounting
Valérie De Caestecker



Accounting
Laurence Dumont



Accounting
Anne-Marie Fernandez



Administration and Logistics
Thierry Cluzeau



Administration and Logistics
Isabelle Lanteri



Administration and Logistics
Gil Oliveira



Administration and Logistics
Manuel Soares Teixeira



Evaluation/Internal Audit and Control
Roseline Fagel



Finances
Ekaterina Mantziaris



Information Technology
Sébastien Beugnier



Information Technology
Patrick Lecoq













Information Technology
Laura Naie



Information Technology
Marc Rouillard

TECHNICAL UNIT (TU)

	Head of the TU Dirk Theobald		Deputy Head of the TU Jean Maisson		Assistant to the Head of the TU Aline Nogués		Agricultural species Anne Weitz		Denominations Carole Bonneau		Denominations Rudi Caes		Denominations Bénédicte Legrand
	Fruit and ornamental species Urszula Braun-Mlodecka		Fruit and vegetable species Sergio Semon		Ornamental species Laetitia Denécheau		Fruit and ornamental species Jens Wegner		Register Pierre-Emmanuel Fouillé		Register Anne Gardener		Register Nadège Grantham
	Register Francesco Saldi		Technical Unit Assistant Ghislaine Guilbert		Technical Unit Assistant Francesca Rampazzi		Technical Unit Assistant Laurence Théodore						

NB: The above organisation chart comprises the staff of the CPVO employed as officials and temporary agents on 31 December 2015.

7. QUALITY AUDIT SYSTEM

The QAS implements the CPVO's quality audit programme. It carries out regular assessments at EOs in order to check whether they fulfil the entrustment requirements when testing candidate varieties against the DUS criteria. The assessments relate to any work in relation to DUS activities for the species within the EOs' scope of entrustment.

7.1. Assessment of examination offices

The total of 13 assessments carried out in 2015 included regular audit visits within the triennial cycle and additional assessments following scope-extension requests by EOs. Where necessary, audit observations were effectively addressed by EOs. The entrustment recommendations to the members of the AC were all positive, notwithstanding some scope reductions.

A review of the entrustment requirements was carried out in 2015 and an updated version was adopted by the AC in October.

7.2. Audit programme

The 2015 assessments completed the second audit cycle (2013-2015). The sequence of visits followed the first cycle closely, though with a shift ensuring that testing work at every entrusted office was assessed at a different time of the year compared to the initial audit. In the same perspective, the assessment teams and the assessment samples were different to ensure a comprehensive overview of the EOs' work.

The decreasing number of technical experts participating in the assessments, which had already been noticed in 2014, resulted in the anticipated call for expressions of interest. The technical experts identified through this call for expressions of interest were appointed by the AC for the remainder of the second cycle and for the next cycle until the end of 2018.



Audit training for technical experts, January 2016



Audit training for technical experts, January 2016

They represent a pool of technical expertise in all areas of variety-testing work from 14 Member States. A training meeting for the technical experts was organised for the end of 2015. Due to security concerns at the time the meeting had been scheduled in Paris, France, it had to be postponed until the beginning of 2016.

The AC had decided to recover 50 % of the costs of the audit programme through an audit fee. In preparation for the launch of the audit fee, beginning in 2016, detailed estimates on the individual fee levels were provided to the EOs as part of the 2015 cost-calculation exercise.

List of technical experts for QAS assessment programme 2015-2018 (status on 31/12/2015)

First name	Last Name	Nationality	Mandate until end of
John	Austin	UK	2015
Lubomir	Basta	SL	2018
Luigi	Bavaresco	IT	2018
Henk	Bonthuis	NL	2018
Julia	Borys	PL	2018
Richard	Brand	FR	2018
David	Calvache	ES	2018
Andreja	Cerenak	SI	2018
Alexandra	Chatzigeorgiou	GR	2018
Pedro Miguel	Chome Fuster	ES	2015
Anne-Lise	Corbel	FR	2018
Henk	de Greef	NL	2018
Miguel	Diaz Morant	ES	2018
Anabela	dos Santos Rodrigues Rocha	PT	2018
Antonio	Escolano	ES	2018
Zsuzsanna	Füstös	HU	2018
Trevor	Gilliland	UK	2015
Joël	Guiard	FR	2018
Marianna	Jakubova	SK	2018

First name	Last Name	Nationality	Mandate until end of
Bogna	Kowalczyk	PL	2018
Karolina	Lenartowicz	PL	2018
Clarisse	Maton	FR	2018
Andrea	Menne	DE	2018
Jesus	Merida	ES	2018
Daniel	Palmero	ES	2015
Hilary	Papworth	UK	2018
Andrea	Povolna	CZ	2018
Karin	Riemer	DE	2018
Ivana	Rukavina	HR	2018
Erik	Schulte	DE	2018
Elizabeth	Scott	UK	2018
Zsolt	Szani	HU	2018
Jutta	Taferner-Kriegl	AT	2018
Swenja	Tams	DE	2018
Amanda	van Dijk	NL	2015
Nico	van Marrewijk	NL	2015
Arnold JP	van Wijk	NL	2015
Brian George	Waters	UK	2015
Jennifer	Wyatt	UK	2018

8. RESEARCH AND DEVELOPMENT PROJECTS

In accordance with the rules established by the AC in 2002 and reviewed in 2015 for financial support for projects of interest to the CPVR system, the Office received several applications in 2015 for (co-)financing of R & D projects. In this section, the Office provides updated information about projects under way and follow-up measures taken in 2015 on projects already concluded.

8.1. Revision of the CPVO's research and development strategy

With the aim of optimising quality while reducing the costs of DUS tests within the CPVO's network of EOs, strengthening EU PVRs and facilitating enforcement, in March 2015 the AC adopted a revised R & D strategy in relation to the CPVO (co-)financing of R & D projects for the 2015-2020 period.

The new R & D strategy considers the following developments as a priority.

- The setting-up of shared online databases of reference collections available to entrusted EOs.
- The use of biomolecular techniques for the management of reference collections, the identification of reference materials and the enforcement and support of DUS assessments.
- The improvement and harmonisation of methodologies and procedures included in the CPVO technical protocols.

The CPVO considers these developments to be extremely important for the continuous improvement of the EU's system of PVRs. In order to contribute to the implementation of the second objective, the AC has decided to establish the ad hoc Imodduus working group. This working group is open to experts from entrusted EOs that have knowledge and practical experience of the use of biochemical and molecular techniques in DUS testing, and specialists from the breeding industry and universities with experience of the use of such techniques for studies in plant varieties. It is planned that the first meeting will take place in April 2016.

8.2. Projects approved in 2015

'Case study on minimum distances between vegetatively reproduced ornamental and fruit varieties'

This project was approved in November 2015. It will focus on the possible effects of the introduction of minimum distances according to the position of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (Ciopora) on minimum distances for three vegetatively reproduced species: apple (fruit), rose (cut flower and outdoor roses) and Pelargonium (pot plant). The new project is coordinated by Naktuinbouw (Netherlands), with the following project partners: Bundessortenamt



DUS trials on pelargonium, Germany



DUS trials on potato, Germany

(Germany); GEVES (France); the Central Institute for Supervising and Testing in Agriculture (ÚKZÚZ) (Czech Republic); the National Institute of Agricultural Botany (NIAB) (United Kingdom); and Ciopora. The final report is expected to be ready in November 2016.

The Ciopora position paper on minimum distances suggests to introduce a change from the present botanically driven definition of the requirement of a variety to be clearly distinguishable to a system that takes into account only those characteristics that represent a certain agreed commercial importance for the species concerned. This project aims to test whether it is feasible to apply this approach and identify possible problems in doing so. The kick-off meeting took place on 1 December 2015.

The analysis will be provided in draft reports for each EO that will be discussed in a joint meeting with the participants, Ciopora and the CPVO. A final report will be drafted in 2016.

8.3. Projects underway in 2015

‘A European potato database as centralised collection of varieties of common knowledge’

This project, approved at the beginning of 2014, is the follow-up to the already finalised project ‘Construction of an integrated microsatellite and key morphological characteristic database of potato varieties in the EU common catalogue’. The new project was initiated by the CPVO (as coordinator) and involves the nine entrusted EOs for potato: Naktuinbouw (Netherlands); Science and Advice for Scottish Agriculture (SASA) (United Kingdom); Bundessortenamt (Germany); the Research Centre for Cultivar Testing (Coboru) (Poland); the Spanish Plant Variety Office (OEVV) (Spain); the Department of Agriculture and Food (Ireland); the Austrian Agency for Health and Food Safety (AGES) (Austria); ÚKZÚZ (Czech Republic); the Central Controlling and Testing Institute in Agriculture (UKSUP) (Slovakia); and the European Seed Association (ESA).

The aim of the project is to set up and maintain an EU database for potato varieties, containing morphological and molecular data and light sprout pictures, plus a collection of DNA samples from those varieties.

The complete and maintained database as a centralised collection of morphological and molecular data of varieties of common knowledge would be an important tool for EOs to use in organising the DUS tests in an efficient manner by providing reliable results for a crop without a living reference collection. The use of a centralised database would improve quality and would supposedly reduce the costs of the DUS test compared to the maintaining of several databases at national level. Furthermore, besides its purpose for the DUS test, part of the database (the molecular profiles) could be used by title-holders in enforcement situations.

On 27 and 28 May 2015, the fourth potato experts' meeting was hosted by the AGES in Vienna, Austria, with 26 participants from entrusted EOs and the two breeders' associations (ESA and Plantum). Since the potato database is a pilot project for collaboration between a significant number of project partners, intense discussions were held. These essentially concerned agreements to be established between the project partners (the EOs and ESA) on the one hand and the laboratories conducting the molecular work on the other hand, as well as very practical questions on the collection of data, such as the submission of samples and the dispatching of the results obtained, and the operation of the database. The fifth meeting took place in Angers, France, on 23 September, in conjunction with the annual meeting of the CPVO's agricultural experts, essentially to discuss agreements.

The final report on that R & D project will be available at the beginning of 2016. It was agreed that the work would be continued in a follow-up project in 2016-2017.

'Creation of a common maize database for DUS studies through a partnership between the Czech Republic, Hungary, Slovakia and the Community Plant Variety Office'



Maize

This project was formally approved by the CPVO in March 2014. It is coordinated by ÚKZÚZ, with the following project partners: the National Food Chain Safety Office (NÉBIH) (Hungary); and UKSUP (Slovakia).

The aim of the project is to establish a common maize database for DUS studies through a partnership between the Czech Republic, Hungary, Slovakia and the CPVO. This database should contain harmonised morphological descriptions of maize lines and hybrids from all participating countries according to the CPVO technical protocol. It will be updated regularly and will be available for electronic consultation for each partner and the CPVO. Each partner could thus be in charge of maintaining physically at their own premises only the seeds of varieties corresponding to its climatic conditions which would not be conserved by the other EOs. During the execution of the project, an exchange of information and experience is planned with experts from the three EOs that are already sharing a maize database. The project will be finalised in February 2016.

‘Impact analysis of endophytes on the phenotype of varieties of *Lolium perenne* and *Festuca arundinacea*’

This project, initiated in January 2013, is coordinated by the CPVO and the Food and Environment Research Agency (FERA) (United Kingdom), with the following project partners: Bundessortenamt (Germany); ESA (breeding companies: DLF Trifolium and Barenbrug); and GEVES (France). The project aims at clarifying the possible impact that the presence of endophytes in varieties of *Lolium perenne* (Lp) and *Festuca arundinacea* (Fa) might have on the phenotype, and thus on the expression of the characteristics observed during the DUS tests, and eventual consequences in terms of quality requirements for material to be submitted for that purpose. The project provides for the assessment of four varieties from each species, with two stages of endophyte infection (0 % and 100 % endophytes). These varieties are integrated into regular DUS tests during two growing cycles using the relevant CPVO technical protocol. The establishment period of the plants took place in 2013. A first interim report suggests that there might be no significant impact, however the final assessment was made during 2015. The final report is expected by the end of January 2016.

‘Rose project: sampling, analyses and storage of DNA samples’

In June 2011, the CPVO proposed to the AC to go ahead with a pilot project on sampling and storing the DNA of roses. It was decided to keep a DNA sample from the original plant material submitted for each technical examination, on a compulsory basis. One possible use of such a sample could be, in cases where there are doubts, to verify, as far as the applicable techniques allow, the identity of the material ordered in order to be grown as a reference in a DUS test, comparing the DNA fingerprint of the material received as a reference variety with the fingerprint of the DNA stored for that same variety. This sample could also be used in relation to the enforcement of rights at the request of the breeder. In a future context, this sample could be used in the management of the reference collection.



Roses

A procedure setting out the details of the DNA sampling as part of the technical examination was defined, on the basis of which a call for tenders to select a laboratory was launched. In 2011, Naktuinbouw was entrusted for a period of 4 years ending in February 2015. The sampling started during the course of the 2011 DUS trial.

A DNA sample from the original plant material submitted for each rose's technical examination was kept on a compulsory basis for the 4 years, following the adopted procedure. The leaves were collected in the various entrusted EOs (Bundessortenamt, Naktuinbouw and NIAB) and sent to the entrusted laboratory (Naktuinbouw). DNA extraction and storage took place in this laboratory. During the project, the DNA of 732 samples was stored.

The CPVO made an internal analysis of the outcome of the project and the comments received by the project partners and breeders' organisations (Ciopora and Plantum).

During this period, none of these samples was used by either the entrusted EOs or the breeders. There could be various explanations for the situation.

The AC of the CPVO agreed in March 2015 to extend the project for a further year, in order to avoid a gap in the DNA sample taking, since a new project for roses was under preparation. The object of the new project is to test the use of new molecular markers, which are considered to be of interest for the management of glasshouse rose reference collections.

8.4. Follow-up of finalised research and development projects

‘Effect of seed priming on vegetable DUS tests’

This project, initiated by the CPVO, was approved in January 2014 for a duration of 1 year. The project coordinator is the CPVO, with other project partners being ESA and the selected entrusted EOs (Naktuinbouw (Netherlands), OEVI/INIA (Instituto Nacional de Investigación y Tecnología Agraria y Alimentaria) (Spain) and GEVES (France)). The project investigates the implications that seed priming may have for the expression of characteristics of eggplant and tomato rootstock varieties in nominated EOs entrusted for those species. Although these are not amongst the most important vegetable species in the CPVR system, applications-wise, commercially they are mostly primed. The R & D project also studies the possible effect that seed priming might have on the reduction in the germination rate over a 6-month period of time.

The project commenced its activities with the planning of the trial set-up and the sending by ESA members of primed and unprimed samples for three eggplant and three tomato rootstock varieties. Naktuinbouw carried out trials for both eggplant and tomato rootstocks, while GEVES carried out trials for eggplant and OEVI/INIA carried out trials for tomato rootstocks. The trial set-up was identical in both of the partners for each species, including use of the applicable CPVO protocols for eggplant and tomato rootstocks. Seeds were sown in time and subsequent observations were made on the plants according to local conditions.

The outcome of the project showed that there had been no undue influence on the expression of the characteristics for any of the varieties under study as a result of the seed-priming technique, therefore none would have been declared distinct from each other in a side-by-side comparison in a DUS test. It has been observed that the primed seed samples of all the varieties in the study germinated earlier and more evenly than their non-primed equivalents.

Some open questions remain after the conclusion of this R & D project, in particular the practical implications of the maintenance and renewal of primed seed samples in variety collections in the long term. This is an issue that was not fully investigated in the project due to the length of time it requires, therefore EOs will have to closely monitor this aspect. Subsequent to the CPVO vegetable experts’ meeting in December 2015, when the results



DUS trials on egg plant, France

of the project were discussed, entrusted EOs for eggplant and tomato rootstocks were invited to consider whether they would accept, on an individual level, the delivery of primed seed samples. If so then a proposal should be made to the CPVO for the plant submission requirements on primed seed for the interested entrusted EOs. After review by the CPVO, these requirements will be published in the S2 Gazette and will become applicable for the 2017 submission period.

‘Harmonisation of vegetable disease resistances 2 (Harmores 2)’

This project, initiated in 2012, was coordinated by GEVES (France), with the following project partners: ÚKZÚZ (Czech Republic); Bundessortenamt (Germany); OEWS (Spain); NÉBIH (Hungary); Naktuinbouw (Netherlands); SASA (United Kingdom); and the European Seed Association (ESA). This project is a follow-up to the earlier ‘Harmonisation of vegetable disease resistances’, completed in 2008, although the new project deals with seven disease resistances in pepper, pea and lettuce. The aim of the project is to ensure that EOs and breeders working with the selected disease-resistance tests are able to use common methodologies and interpret the disease symptoms emanating from these tests in the same manner. A first meeting was organised by GEVES, the project coordinator, in June 2012, in order to obtain consensual agreement amongst the project partners on the schedule of work to be done and the races/isolates and example varieties that would be utilised. The work done in the second half of 2012 concentrated on the description and comparison of the existing tests for these disease resistances. The second meeting of the group took place in May 2013 and the Office received the first interim report in August 2013.

The third meeting of the group took place in April 2014 in Roelofarendsveen, Netherlands. The project partners reported on the progress they had made on the identified isolates and races during the previous 12 months. The partners also identified the areas on which focus was still required in order to ensure the correct interpretation of the results depending on the laboratory. At this meeting, the CPVO also presented the results from an ESA/CPVO survey dating from a few months earlier on problems that vegetable seed companies had encountered in undertaking some of the disease-resistance tests outlined in the CPVO vegetable protocols. The CPVO stated that some of these could form the basis of a future ‘Harmores 3’ project.

During the second half of 2014, project partners continued to exchange results in order to refine the future harmonised disease-resistance test methodologies under study for the ‘Harmores 2’ project. In this regard, GEVES organised two workshops in Angers in early November, on successive days, for the project partners. One was practical laboratory work on *Bremia lactuca* symptoms in lettuce. Small groups worked together on cotyledon test symptoms using ‘difficult cases’ to see how everyone carried out their notations in



Pea plants

order to come to common interpretations. The second workshop also involved practical laboratory experience, this time on *Fusarium oxysporum* in pea. Two notation scales were compared, while one notation scale was harmonised on the two inoculation methods validated in the comparative tests for phase 3 of the project. The interim report itself for the second year of the project was received in September 2014.

The final meeting between the project partners took place in April 2015 at INIA in Madrid, Spain. The partners agreed on the improved common methodologies for each of the disease resistances that would be proposed in the final report. A review was also made of other possible disease-resistance methodologies where harmonisation would be desirable if a third 'Harmores' project were to be devised.

The project was concluded at the end of 2015 with the presentation of the final report to the CPVO. The coordinator of the project presented the findings to the CPVO vegetable experts' meeting in December 2015, and outlined the different improved methodologies for each of the disease-resistance methodologies in the project. These improved methodologies are due to be implemented in partial revisions to the CPVO technical protocols for pea, pepper and lettuce at the next CPVO vegetable experts' meeting in autumn 2016, to be adopted subsequently by the AC in early 2017. The same proposals on the improved methodologies will also be made to the UPOV TWV in the course of 2016-2017, so that they can be included in the corresponding UPOV guidelines.

'Reducing the number of obligatory observation periods in DUS testing for candidate varieties in the fruit sector'

This project was coordinated by the CPVO, with the following project partners: Bundessortenamt (Germany); Coforu (Poland); CRA-FRU (Italy); OEVI (Spain); GEVES (France); NÉBIH (Hungary); ÚKZÚZ (Czech Republic); Ciopora; and Plantum. The project was initiated at the beginning of 2013 and finalised at the end of 2013. The costs of DUS testing for candidate fruit varieties are relatively high compared to varieties in other crop sectors. The aims of the project were: (a) to determine whether there is indeed a technical justification for two satisfactory crops of fruit in order to make a conclusion on DUS; and (b) subsequently, to draw up a reliable variety description. Five species were considered within the scope of the project: peach, strawberry, apple, raspberry and grapevine. Varieties where the CPVO technical protocol was implemented and that were registered (national listings, national PVRs and CPVRs) in the past 5 years were considered. The results indicated that, in the large majority of cases, the second year of observation confirms the result of the first year in respect of DUS in a context where variety descriptions are made

on the basis of 2 years of observations. However, if the DUS test were to be limited to the first fruiting period, there are other consequences that must be taken into account. Firstly, in the first satisfactory fruiting period, trees are still young and do not express some of the characteristics under the present protocol in the same way they would in the second year of observation. Secondly, switching to a system where observations would be routinely limited to the first fruiting period would have consequences when comparing variety descriptions based on observations during the second year of testing that are stored in databases. A comparison between varieties described at different ages of the plant material is less reliable and would probably have consequences when deciding which varieties are to be included in the growing trial for a side-by-side comparison.

As a follow-up, EOs are invited to send reports after 1 year of testing if there is no doubt about the distinctness. The CPVO has worked on a proposal to UPOV to change the standard wording on the test duration, providing the possibility of concluding after 1 year of observations. This proposal was discussed at the 2015 UPOV TWF meeting. This proposal was well received and participants invited the EU to further elaborate the draft taking into account the comments received.

‘Modification of the cultivation scheme and the plant material requirements for Helleborus’

The project was initiated by the CPVO and includes another project partner — Naktuinbouw (Netherlands). The project was launched in March 2013 and the final report was drafted at the end of 2014.

The DUS testing of Helleborus varieties within the framework of an application for CPVRs is centralised at Naktuinbouw, where plants were partly cultivated outdoors in open ground. This cultivation scheme seemed not to be optimal as, in the past, the weak drainage of the soil had caused some damage, and cold winters or bad weather conditions could damage the candidate varieties and the reference collection. Moreover, the standard commercial way of production seems to be more suitable for pot culture rather than ground cultivation. The aim of this project was to investigate the suitability of an alternative to the current cultivation scheme, namely to move to cultivation in pots with delivery in April, based on experimentation with 12 reference varieties.

The results of the pilot project showed that:

- plants from the pot cultivation were more uniform;
- the change of the treatment had only a limited effect on the expression of the characteristics.

Based on these facts, the EO proposed to change the examination conditions and the cultivation scheme to a pot culture starting in the open in April and transferring to a cold greenhouse at the end of November. This new scheme has been implemented for all candidate varieties starting the first year of DUS examination as from April 2015.



Helleborus

9. BUDGET

9.1. Out-turn

The budget out-turn for 2015 showed a decrease compared to 2014, mainly due to an increase in operational expenditure in line with the high number of examinations carried out. Revenue was slightly higher than in previous years due to the increase in the total number of titles granted.

Net out-turn for the year 2015		(million EUR)
Budgetary revenue (a)		12.84
Budgetary expenses (b)		13.98
Budgetary out-turn (c) = (a) – (b)		– 1.14
Non-budgetary receipts (d)		0.09
Net out-turn for the budgetary year 2015 (e) = (c) + (d)		– 1.05

The net out-turn for the year was slightly over EUR 1 million negative, compared to EUR 0.46 million negative for the previous year. This fall is fully in line with the CPVO's policy of reducing the accumulated free reserve.

9.2. Revenue

The Office's revenue mainly comprises various fees paid by applicants for and holders of CPVRs, and revenue from interest on bank accounts. The total revenue collected in 2015 was EUR 12.84 million.

	Variation (%)	2015 (million EUR)	2014 (million EUR)
Fees	3.01	12.66	12.29
Bank interest	– 45.32	0.16	0.29
Other revenue	-	0.02	0.14
Total revenue	0.93	12.84	12.72

The total fees received in 2015 amounted to EUR 12.66 million, representing an increase of 3.01 % in comparison with the previous year. Annual fees increased compared to previous years, with a higher number of titles in force and examination fees increasing slightly. Application fees, however, fell slightly due to lower application numbers, as applicants anticipated the reduction in application fees for online applications that became applicable on 1 January 2016. Other revenue included a grant received in 2014 from the European Commission of EUR 130 000 in the context of the multi-beneficiary programme, but in 2015 no grant was received.

9.3. Expenditure

In 2015, the total amount of recorded expenditure and commitments carried over was EUR 13.98 million, compared with EUR 13.25 million in 2014.

	Variation (%)	2015 (million EUR)	2014 (million EUR)
Staff expenditure	6.09	6.15	5.80
Administrative expenditure	8.02	1.40	1.29
Operational expenditure	4.36	6.43	6.16
Total expenditure	5.47	13.98	13.25

The salary grid for staff of the Office, being governed by the levels set by the Council of the European Union, is also subject to changes in line with inflation and career progression.

Increases in administrative expenditure are mainly due to higher spending on IT development and expenses relating to meetings.

Operational expenditure consists mainly of remuneration for EOs. The increase in this expenditure is due to the increase in the number of applications in the previous year, and the number of examinations increasing accordingly.

9.4. Conclusion

The net result in 2015 is significantly lower than in the previous year. The reduced annual fees, which came into force at the beginning of 2014, helped bring the out-turn to a lower level than in 2013 and 2014, fully in line with the CPVO's medium-term policy of lowering its free reserve. This reduction should probably continue in 2016.

10. DEVELOPMENTS OF THE SYSTEM

10.1. Regulatory

10.1.1. Ad hoc Legal Working Group on legislative matters

The LWG ended its activities in January 2015. It was created in March 2012 by the AC of the CPVO due to the *Evaluation of the community plant variety right acquis — Final report* of April 2011. The LWG was composed of experts appointed by the AC, breeders' organisations and representatives of the European Commission participating in their personal capacity as experts, not representing the Member State or the organisation they work for.

Twenty items were identified and discussed: six form the subject of a proposal for change in the legislation; four have been proposed for follow-up by the AC; three have been put on hold with future follow-up needed; two have no legislative follow-up planned unless the UPOV Convention changes; and five have been closed with no legislative follow-up needed. A final report was presented to the AC, the purpose of which was to provide AC members with the status of each item and a proposed way forward. The full report is available upon request and a link to the summary has been made available on the CPVO website.

10.1.2. New proceedings regulation

In 2015, the European Commission began the revision of Commission Regulation (EC) No 874/2009 of 17 September 2009 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the CPVO (the proceedings regulation). At its meeting of 30 September and 1 October 2015, the AC gave its favourable opinion on the revision. The aim is to update the applicable rules in light of the most recent case-law of the Court of Justice of the European Union and CPVO practices. Some of the more substantial proposals for amendment concern the clarification of the notion of parties to proceedings, the decisions on technical protocols, the procedure for taking over other examination reports issued by authorities based outside of the European Union under Article 27, the nullity and cancellation proceedings and the service of documents by electronic and other technical means.



Seminar on patents and PVR, June 2015, Brussels, Belgium

10.1.3. Fees

In 2015, the European Commission completed the revision of the fees regulation. With Commission Implementing Regulation (EU) 2015/2206 of 30 November 2015, which is applicable as from 1 January 2016, the fees regulation has been amended accordingly. One of the most substantial amendments is to the level of the application fee payable to the Office for the processing of applications filed by electronic means via the online application system made available on the CPVO website. This application fee has been reduced to EUR 450 for applications filed online. The fee payable to the CPVO for the processing of applications filed by other means remained unchanged at EUR 650. The application fee shall be paid to the CPVO prior to or on the date on which the application is filed. As regards the amount of the application fee to be retained by the CPVO for non-valid applications under Article 50 of the basic regulation, it has been reduced to EUR 150. Finally, the fee payable to EOs for taking over reports on the results of technical examinations should be determined by the President of the CPVO after consultation of the AC.

10.1.4. Patents and plant variety rights

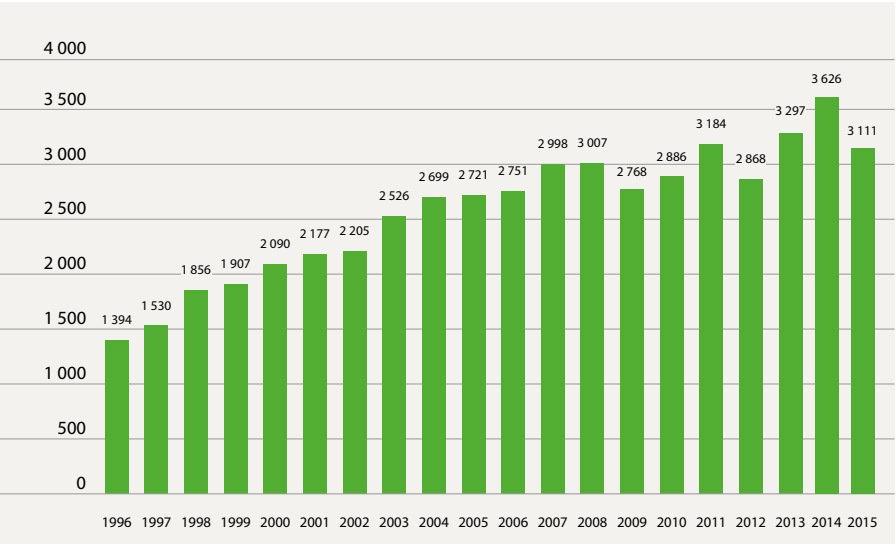
The CPVO hosted a seminar on 24 June 2015 in Brussels, Belgium, to discuss the impact of the EPO's 'Tomato' and 'Broccoli' cases. The aim of the seminar was to gather experts in PVRs and patents together to inform the members of the AC on the latest developments and the potential effects of the recent decision of the enlarged Board of Appeal of the EPO. Following the seminar, the CPVO planned to foster closer dialogue with the EPO with a view to the exchange of technical knowledge between patent and plant variety experts in both institutions.

10.2. Technical

10.2.1. Applications for Community plant variety protection

In 2015, the Office received 3 111 applications for Community plant variety protection, which represents a decrease of 14 % compared to the previous year. Graph 1 shows the evolution of the numbers of applications received by the Office (all figures are based on the date of arrival of the application documents at the Office). After the record numbers in 2014, in part due to applicants wanting to avoid the increase in examination fees for applications filed as from 1 January 2015, a certain decrease was expected. However, it remains to be seen whether the decrease, which was particularly sharp at the beginning and end of the year, was also in part due to the decrease in fees for applications filed electronically that was to become applicable as from 1 January 2016.

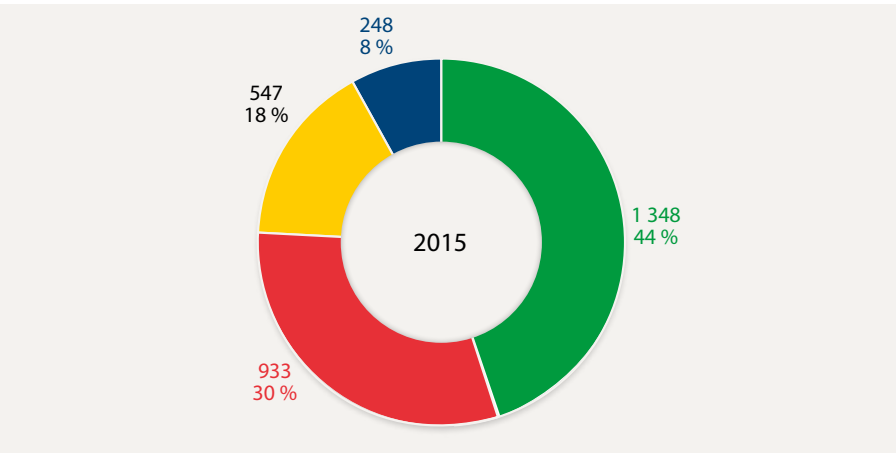
Graph 1
Evolution of the annual number of applications for Community plant variety protection (1996-2015)



Graph 2 represents the shares of the crop sectors in relation to the number of applications received in 2015.

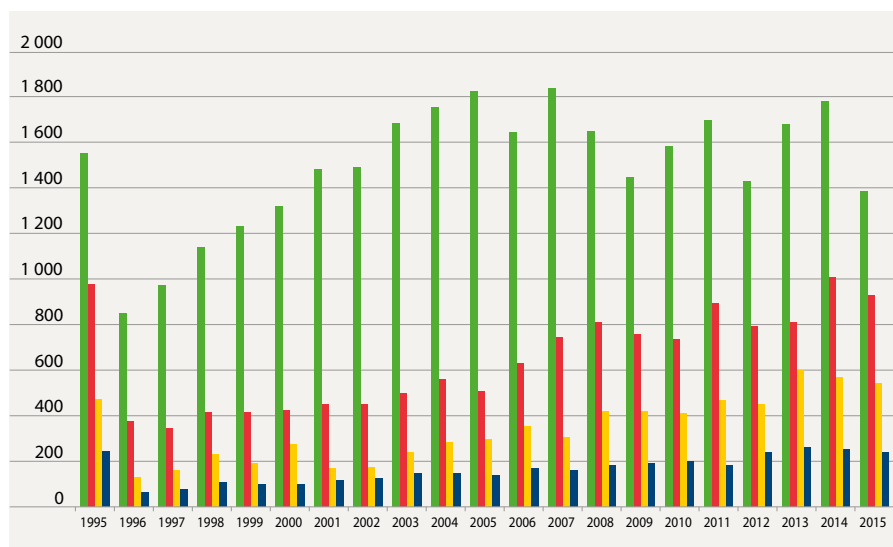
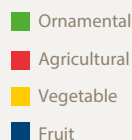
Graph 2
Shares of application numbers per crop sector in 2015

- Ornamental
- Agricultural
- Vegetable
- Fruit



Graph 3

Evolution of application numbers
per crop sector (1995-2015)



Graph 3 shows the evolution of the number of applications per crop sector since 1995. In 2015, the Office observed a decrease in application numbers in all crop sectors: agricultural, 93 applications (– 9.06 %); ornamental, 404 applications (– 22.61 %); fruit, 1 application (– 0.40 %); vegetable, 17 applications (– 3.01 %).

In 2015, 636 applicants filed applications for CPVRs, 61 fewer (– 8.8 %) than in 2014. The following tables list, for each crop sector, the 15 most frequent users of the Community system and their respective numbers of applications filed in 2015. These top 15 applicants have a relative share of applications ranging from 87.77 % (in 2014, 91.05 %) for vegetables, 62.92 % (in 2014, 61.24 %) for agricultural and 43.48 % (in 2014, 49.27 %) for fruit species to as little as 33.75 % (in 2014, 33.42 %) for ornamental species. This range not only reflects the degree of concentration in breeding, which is particularly advanced in the vegetable sector, but also shows that, in the case of ornamentals, a great number of ‘small’ breeders are in business and seeking protection for their varieties.

Agricultural sector

Top 15 applicants	Country	Number of applications in 2015
Pioneer Overseas Corporation	United States	101
Limagrain Europe SA	France	74
RAGT 2n SAS	France	66
KWS Saat SE	Germany	64
Monsanto Technology LLC	United States	58
Syngenta Participations AG	Switzerland	42
Pioneer Hi-Bred International Inc.	United States	32
Norddeutsche Pflanzenzucht Hans-Georg Lembke KG	Germany	30
Adrien Momont et Fils SARL	France	29
Caussade Semences SA	France	24
Euralis Semences SAS	France	24
Deutsche Saatveredelung AG	Germany	18
Maïsador Semences SA	France	18
KWS Lochow GmbH	Germany	17
DLF SEEDS A/S	Denmark	14
Total		611

Vegetable sector

Top 15 applicants	Country	Number of applications in 2015
Monsanto Vegetable IP Management BV	Netherlands	104
Syngenta Participations AG	Switzerland	79
Rijk Zwaan Zaadteelt en Zaadhandel BV	Netherlands	77
Enza Zaden Beheer BV	Netherlands	72
Nunhems BV	Netherlands	50
Vilmorin SA	France	37
HM.Clause SA	France	32
Hazera Seeds BV	Netherlands	8
Laboratoire ASL SNC	France	6
Semillas Fitó SA	Spain	5
Bejo Zaden BV	Netherlands	5
A.L. Tozer Ltd	United Kingdom	5
Hazera Seeds Ltd	Israel	5
Top Seeds 2010 Ltd	Israel	5
LLC 'Global Seeds'	Russia	5
Total		495

Fruit sector

Top 15 applicants	Country	Number of applications in 2015
Driscoll Strawberry Associates Inc.	United States	15
Rolfe Nominees Pty Ltd	Australia	14
Prunus Persica Pty Ltd	Australia	14
Jean-Pierre Darnaud	France	11
Università degli studi di Udine	Italy	11
Istituto di Genomica Applicata	Italy	10
Viveros Proseplan S.L.	Spain	10
International Fruit Genetics LLC	United States	8
Flevo Plant Holding BV	Netherlands	7
Plantas de Navarra SA (Planasa) — Sociedad Unipersonal	Spain	6
Agro Selections Fruits SAS	France	6
Florida Foundation Seed Producers Inc. (FFSP)	United States	5
The State of Israel — Ministry of Agriculture and Rural Development — Agricultural Research Organisation (ARO)	Israel	5
C.I.V. — Consorzio Italiano Vivaisti — Società Consortile a.r.l.	Italy	4
The Regents of the University of California	United States	4
Total		130

Ornamental sector

Top 15 applicants	Country	Number of applications in 2015
Dümmen Group GmbH	Germany	69
Syngenta Participations AG	Switzerland	63
Fides BV	Netherlands	43
Nils Klemm	Germany	43
Poulsen Roser A/S	Denmark	30
Vletter & Den Haan Beheer BV	Netherlands	30
Testcentrum voor Siergewassen BV	Netherlands	28
Dümmen Group BV	Netherlands	27
Florist Holland BV	Netherlands	26
Rosen Tantau KG	Germany	24
Terra Nova Nurseries Inc.	United States	22
Anthura BV	Netherlands	21
De Ruiter Intellectual Property BV	Netherlands	21
Suphachatwong Innovation Co. Ltd	Thailand	21
RijnPlant IP BV	Netherlands	21
Total		489

Applicants from outside the EU must appoint a representative with a registered office or domicile inside the EU to handle their applications. Sometimes, mother companies located outside the EU appoint their daughter company in the EU; this is the case, for example, for Pioneer or Syngenta. EU applicants do not have such an obligation, however some of them prefer to outsource the application procedure to an external agent. In 2015, 1 377 applications (44.26 %; in 2014, 47.9 %) were filed by 144 procedural representatives. The following table lists the 15 most active procedural representatives for 2015, having submitted 944 applications in total (in 2014, 1 155 applications).

Name of procedural representative	Country	Number of applications in 2015
Royalty Administration International CV	Netherlands	226
Syngenta Seeds BV	Netherlands	141
Pioneer Génétique SARL	France	126
Plantipp BV	Netherlands	59
Hortis Holland BV	Netherlands	53
Hans-Gerd Seifert	Germany	47
Monsanto SAS	France	47
Deutsche Saatgutgesellschaft m.b.H. Berlin	Germany	43
Limagrain Europe SA	France	43
Syngenta UK Ltd	United Kingdom	35
Clarke Modet & Co.	Spain	29
Ronald Houtman Sortimentsadvies	Netherlands	28
Van Zanten Breeding BV	Netherlands	26
WürtenbergerKunze	Germany	21
Limagrain Nederland BV	Netherlands	20
Total		944

10.2.1.1. Ornamental species

With 44% of the applications received in 2015, ornamentals continue to represent the largest group of applications filed for CPVRs. While in the early days of the Office the share of ornamentals was well above the 60 % mark, in 2015 it fell well below the 50 % threshold for the first time. This change can not only be attributed to an increase in other crop sectors (especially for agricultural crops), but also to a number of other factors, such as: company



DUS trials on alstroemeria, Netherlands



DUS trials on hydrangea, France

mergers; refraining from protecting varieties, protecting only a few varieties of a given series or seeking protection through other systems such as patents (where possible) or trademarks; and, last but not least, as breeders of ornamental varieties are mostly small or medium-sized companies, the costs for variety protection take up a larger share of the budget than for big players.

One particularity of ornamentals is the great diversity of species. For many of them there is a rather low number of applications per species.

Table 1: Number of applications received per year for all ornamental species since 2011, with a total covering 1995-2015

Species	2011	2012	2013	2014	2015	Total (1995-2015)
All ornamental species	1 671	1 406	1 654	1 787	1 383	30 994

Table 2 shows the 10 most important ornamental crops in terms of the number of applications received over the last 5 years. Changes in the importance of most of these crops seem to be rather accidental. Roses and chrysanthemums remained by far the most important species in 2015. Varieties of chrysanthemus and phalaenopsis have significantly contributed to the drop of application numbers observed in 2015.

Table 2: Number of applications for the 10 most important ornamental species groups from 2011 to 2015, with a total covering 1995-2015

Species	2011	2012	2013	2014	2015	Total (1995-2015)
<i>Rosa</i> L.	239	131	231	181	161	3 857
<i>Chrysanthemum</i> L.	153	146	120	167	100	3 219
<i>Phalaenopsis</i> Blume and <i>xDoritaenopsis</i> hort.	84	47	110	113	44	926
<i>Calibrachoa</i> Llave & Lex. and <i>Petunia</i> Juss.	57	54	48	89	78	1 273
<i>Lilium</i> L.	63	37	68	86	58	1 179
<i>Pelargonium</i> L'Hér. ex Aiton	74	45	58	32	51	1 501
<i>Gerbera</i> L.	58	36	47	48	39	1 036
<i>Dianthus</i> L.	30	54	39	40	26	885
<i>Anthurium</i> Schott	31	21	46	49	34	739
<i>Hydrangea</i> L.	27	19	29	64	26	415
Total	816	590	796	869	617	

The Office may base its decision to grant CPVRs on a technical examination carried out within the framework of a previous application for either plant breeders' rights or national listing and where the DUS examination has been carried out at an entrusted EO. Such a takeover of reports concerns less than 5 % of ornamentals, which is a considerably lower percentage than for the vegetable or agricultural sectors and is due to the absence of any requirement for listing before commercialising ornamental varieties.

The introduction, in 2010, of the principle that any competent EO can be entrusted for the DUS testing of any species, as long as it fulfils the quality requirements, has resulted in a situation where, for a number of ornamental species, more than one EO is available to undertake DUS examination. Whereas in the past a centralised testing situation existed, the CPVO now has to decide at which EO a certain candidate variety is going to be examined. For that reason, the CPVO's AC has extended the criteria to be applied by the CPVO. Ornamental experts have, nevertheless, requested the better centralisation of certain species, and the AC gave the mandate to the Office to develop a proposal. Deliberations on a new centralisation for crops with low application numbers began in 2014 and were finalised in 2015. It is expected that the new centralisation of these 'small' crops will contribute to increased efficiency in conducting technical examinations.

10.2.1.2. Agricultural species

The year 2015 showed a decrease of 9.06 % in the number of applications in comparison with the year 2014. In 2015, agricultural varieties represented 29.99 % of all applications. The number of applications received for the year (933) is, however, the second highest ever received in that sector.

Table 3 shows the number of applications received per year over all agricultural species since 2011, as well as the total figure for the years 1995-2015.

Table 3: Number of applications received per year for all agricultural species since 2011, with a total covering 1995-2015

Species	2011	2012	2013	2014	2015	Total (1995-2015)
All agricultural species	874	780	800	1 026	933	13 349

Table 4 shows the number of applications for the 10 most important agricultural species for the last 5 years.

Table 4: Number of applications of the 10 most important agricultural species from 2011 to 2015, with a total covering 1995-2015

Species	2011	2012	2013	2014	2015	Total (1995-2015)
<i>Zea mays</i> L.	264	214	147	333	299	4141
<i>Triticum aestivum</i> L. emend. Fiori et Paol.	115	83	129	139	113	1595
<i>Brassica napus</i> L. emend. Metzg.	71	107	82	115	127	1237
<i>Hordeum vulgare</i> L. sensu lato	60	72	85	73	78	1132
<i>Solanum tuberosum</i> L.	80	75	77	72	59	1431
<i>Helianthus annuus</i> L.	73	42	67	82	61	871
<i>Lolium perenne</i> L.	30	20	43	18	18	305
<i>Triticum durum</i> Desf.	32	18	15	23	7	275
<i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>altissima</i> Döll	18	17	22	18	17	315
<i>Oryza sativa</i> L.	21	20	17	17	9	188
Total	764	668	684	890	788	

In the agricultural sector these 10 species represent about 85 % of all applications. As in previous years, maize is the most important species in the agricultural sector, with the number of applications for it decreasing by 34 in 2015. There is still a steady increase over the years in oilseed rape applications.

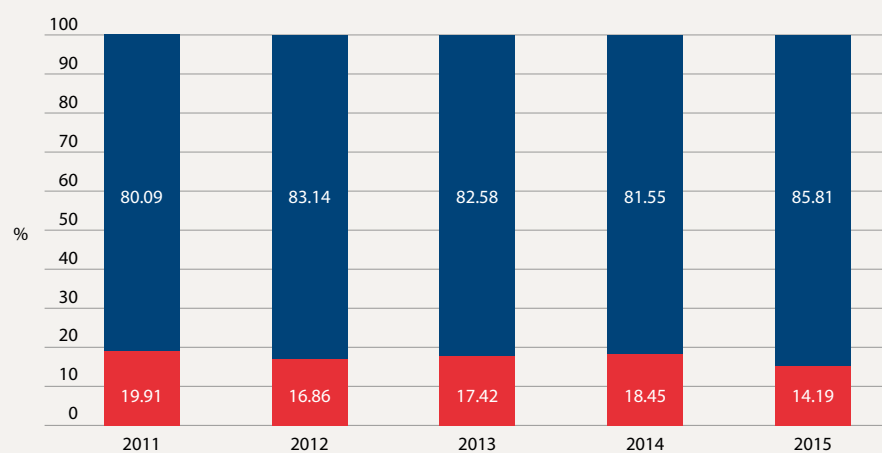
Potato and sunflower applications have significantly decreased compared to previous years while barley applications remain stable. Rice is back in 10th position, replacing pea. The level for durum wheat and for lolium remains low.

Given that the large majority of applications refer to species that are covered by the EU seed directives, a large proportion of applications have already undergone DUS testing when the CPVR application was filed, or the DUS test is, at least, ongoing. This allows the Office to take over the DUS report from entrusted EOs, in accordance with Article 27 of the proceedings regulation, if it constitutes a sufficient basis for a decision. In 2015, this concerned about 85 % of all agricultural applications. If this is not the case, the Office organises a technical examination carried out by an entrusted EO (see Graph 4).

Graph 4

Evolution in percentage of the ratio of technical examinations to takeovers of DUS reports in the agricultural sector (2011-2015)

■ Technical examinations
■ Takeovers



Oilseed rape germination, Germany



DUS trials on barley, France

10.2.1.3. Vegetable species

The year 2015 showed a decrease of 3.01 % in the number of applications in comparison with the year 2014. Notwithstanding this fact, vegetable varieties represented 18 % of all applications in 2015, which was their highest ever proportion of the overall number of annual CPVO applications. In spite of the high concentration of applications from a few companies in the vegetable sector due to takeovers and mergers in recent years, these companies have a significant R & D base, which means that a regular output of new varieties can be expected in the future.

Applications for hybrid vegetable varieties continued to remain strong, and in 2015 they outnumbered applications for parent-line vegetables by a ratio of almost four to one. Foremost amongst these were applications for tomato hybrid varieties, though, in spite of this, tomato still did not manage to dislodge lettuce as the most popular vegetable species for CPVR applications that are filed annually. The other salad crops like melon, pepper and cucumber were not as strong as in 2015 as in previous years, and as a consequence French bean and pea took the third and fourth spots in the vegetable league table.

Table 5: Number of applications received per year for all vegetable species since 2011, with a total covering 1995-2015

Species	2011	2012	2013	2014	2015	Total (1995-2015)
All vegetable species	461	449	587	564	547	7 051

Table 6: Number of applications of the 10 most important vegetable species from 2011 to 2015, with a total covering 1995-2015

Species	2011	2012	2013	2014	2015	Total (1995-2015)
<i>Lactuca sativa</i> L.	118	104	135	132	141	1 891
<i>Solanum lycopersicum</i> L.	72	71	130	128	134	941
<i>Phaseolus vulgaris</i> L.	38	33	48	36	49	415
<i>Pisum sativum</i> L.	20	20	41	48	42	313
<i>Capsicum annuum</i> L.	21	22	44	30	28	299
<i>Cucumis melo</i> L.	27	24	24	19	20	405
<i>Cucumis sativus</i> L.	28	25	10	18	8	457
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i>	12	16	11	11	10	170
<i>Cichorium endivia</i> L.	17	9	9	14	9	147
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>alba</i> DC.	6	16	16	7	10	151
Total	359	340	468	443	451	

As noted in last year's annual report, the AC of the CPVO was presented in October 2015 with a formal proposal to establish a running-in phase for any new asterisked disease-resistance characteristics in CPVO vegetable technical protocols. The proposal was approved by the AC, which means that the concept can now be put into practice. The principle works on the basis that once such a characteristic is adopted in a new revised CPVO vegetable technical protocol, it is gradually implemented over an agreed time

period (e.g. 5 years, although this is analysed on a case-by-case basis) for the entrusted EOs testing that species, as well as for breeders when creating new varieties. This news was welcomed by all the stakeholders in the vegetable sector, since it will allow sufficient time for EOs and breeders to develop their expertise and facilities on the future disease-resistance characteristics. This principle will first be implemented for the partially revised lettuce protocol (*Bremia lactucae* isolates) and the partially revised spinach protocol (*Peronospora farinosa* races), where it will be requested that the AC approves in April 2016 a 3-year phasing-in period for the aforementioned new asterisked disease-resistance characteristics.

The highlight of the year though, for the CPVO's vegetable sector, was the organisation of the 49th annual UPOV Technical Working Party for Vegetables (TWW/49), held at Terra Botanica conference centre in the outskirts of Angers, France, from 14 to 19 June. A total of 65 participants from Member States and UPOV observers from around the world were present (several being first-time participants), making this the best-attended TWW session ever. Throughout the week, delegates discussed 13 different vegetable test guidelines, as well as numerous technical working documents, several of which had been drafted by the CPVO. In addition to the various social activities organised by the CPVO, participants also had the opportunity to visit the vegetable DUS trial grounds at GEVES Brion (in particular the lettuce ring trial organised in conjunction with Naktuinbouw to analyse several of the characteristics being discussed in the ongoing session of the UPOV lettuce test guidelines) and vegetable seed breeding company HM.Clause SA. The whole week's events proceeded as planned and the participants expressed their appreciation of how well the session had been organised and hosted by the CPVO.



DUS trials on tomato, France



DUS trials on lettuce, Netherlands

10.2.1.4. Fruit species

The number of fruit CPVR applications in 2015 remained at a high level. With only one application fewer than in 2014, it was the third best year in the sector. The top three species in 2015 were peach, strawberry and grapevine. A significant decrease compared to previous years was noted for apple and blueberry applications.

Table 7: Number of applications received per year for all fruit species since 2011, with a total covering 1995-2015

Species	2011	2012	2013	2014	2015	Total (1995-2015)
All fruit species	178	233	256	249	248	3 398

Table 8: Number of applications of the 10 most important fruit species from 2011 to 2015, with a total covering 1995-2015

Species	2011	2012	2013	2014	2015	Total (1995-2015)
<i>Prunus persica</i> (L.) Batsch	54	46	43	71	45	841
<i>Fragaria x ananassa</i> Duchesne ex Rozier	35	31	39	44	35	535
<i>Malus domestica</i> Borkh.	17	27	15	27	19	445
<i>Vitis</i> L.	15	10	34	9	24	204
<i>Vaccinium</i> L.	8	23	19	20	13	134
<i>Prunus armeniaca</i> L.	7	27	11	18	17	256
<i>Rubus idaeus</i> L.	9	22	13	13	11	150
<i>Rubus</i> subg. <i>Eubatus</i> sect. <i>Moriferi</i> & Ursini	2	5	10	7	10	52
<i>Prunus salicina</i> Lindl.	3	3	8	4	10	113
<i>Prunus avium</i> (L.) L.	1	7	4	1	9	106
Total	151	201	196	214	193	

For applications filed as from 1 January 2015, applicants have to pay 85 % of the full cost of technical examinations, and this constitutes a significant increase for fruit species subject to multiannual testing. However, this decision did not discourage applicants from filing applications, as could have been expected.

One of the challenges in the fruit sector is the organisation of DUS testing for tropical fruit crops like mango, vanilla, guava, banana, coffee or pineapple. In order to make progress with applications for varieties belonging to these crops, the Office uses the services of competent authorities within the EU to carry out the testing either at the testing station or at breeders' premises, and cooperates with authorities outside the EU.

The discussions with experts and breeders focused on: phytosanitary issues; explanatory notes to the technical notice on the postponement of testing rules based on the Office's 12-year experience with implementation of the rules; improvements to the system emanating from the Apple Open Day; the entry into force of technical protocols; progress in the R & D project; and the experience of EOs as regards the implementation of Council



DUS trials on melon, Netherlands



Strawberry

Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production.

The Office hosted a trainee in the fruit sector, Ms Iva Bažon from Croatia, from 1 March until 31 August 2015. Her work focused mainly on phytosanitary issues. Thanks to her contribution, the Office further enhanced the submission requirements and harmonised the names of organisms for which a specific certificate is requested as part of the quality requirements following the European and Mediterranean Plant Protection Organisation's recommendations.

The Office also started the work in order to host the next UPOV TWF meeting, which will take place in Angers, France, from 14 to 18 November 2016. The technical visit will be organised by GEVES, focusing on apple mutation varieties.

10.2.1.5. Origin of the applications

Since the creation of the CPVO, applications have been received from over 50 countries. Nearly every year, more than one third of all applications received have originated from the Netherlands, underpinning the important role of the Dutch in the breeding sector. The Netherlands is followed, quite some distance behind, by France, Germany and the United States. In 2015, only minor fluctuations were observed in the origin of applications. The table below gives an overview of the number of applications received from different Member States in 2015.

Table 9: Member States from which CPVR applications were filed in 2015

Country of main applicant	Number of applications received in 2015
Netherlands	985
France	466
Germany	464
Spain	110
Denmark	88
Italy	79
United Kingdom	73
Belgium	57
Sweden	24
Czech Republic	20
Austria	18
Poland	14
Hungary	12
Ireland	2
Slovak Republic	2
Estonia	1
Finland	1
Luxembourg	1
Slovenia	1
Total	2 418

Table 10 shows the application numbers for countries outside the EU.

Table 10: Non-EU countries from which CPVR applications were filed in 2015

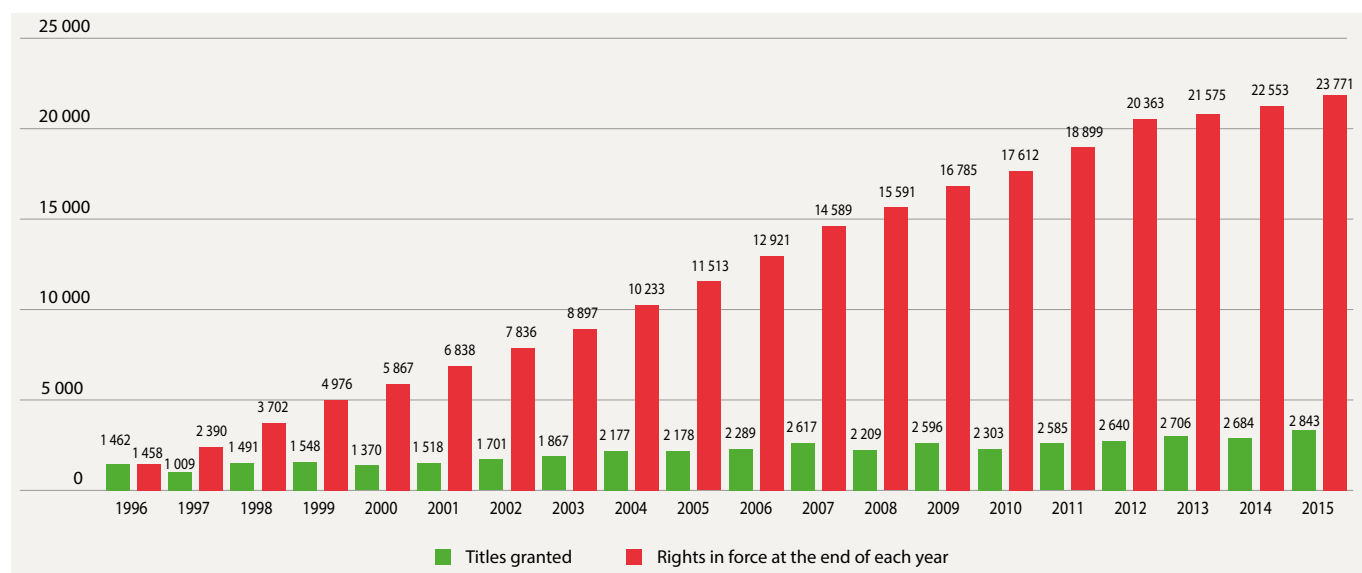
Country of main applicant	Number of applications received in 2015
United States	302
Switzerland	188
Israel	49
Australia	38
Japan	35
Thailand	21
Taiwan	12
South Korea	10
Chile	6
New Zealand	6
Russia	5
Canada	4
Norway	4
Costa Rica	3
Colombia	2
Puerto Rico	2
South Africa	2
Argentina	1
China	1
French Polynesia	1
Sri Lanka	1
Total	693

10.2.2. Grants of protection

In 2015, the Office granted 2 843 titles for Community protection, which represents the highest number ever granted by the CPVO within a calendar year. A detailed list of all varieties under protection (as of 31 December 2015) is published on the CPVO website in the separate annex to this report.

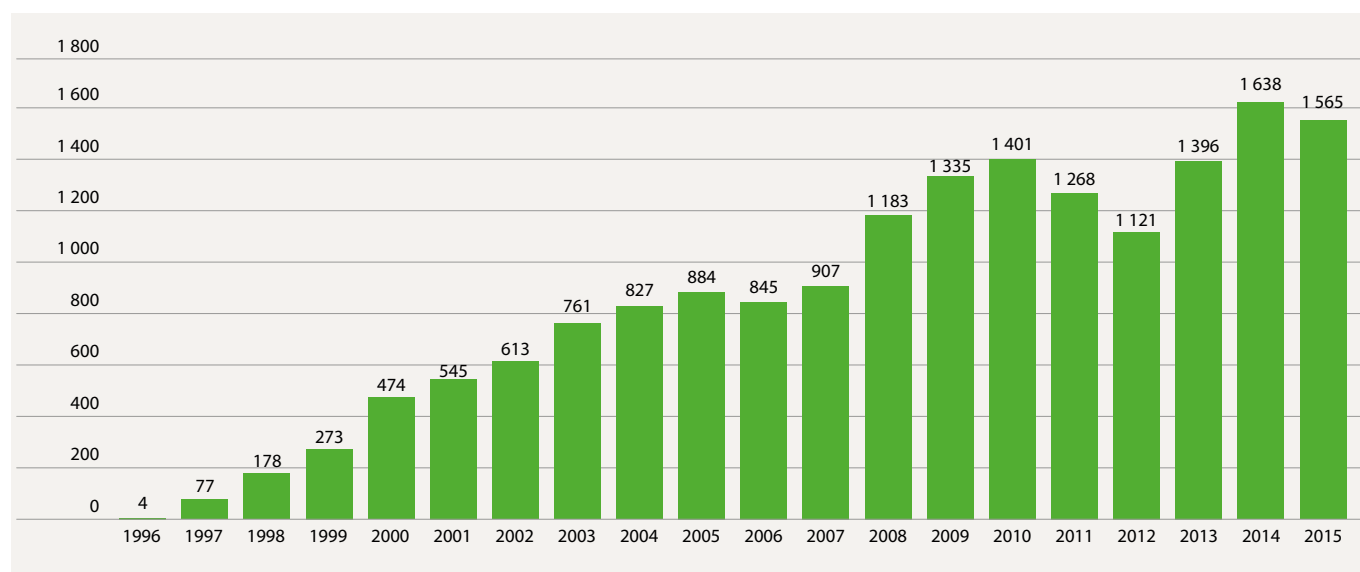
By the end of 2015, there were 23 771 CPVRs in force. Graph 5 shows the number of titles granted for each year from 1996 to 2015 and illustrates the continuous increase in the number of varieties under protection within the Community system.

Graph 5: CPVRs granted and rights remaining in force at the end of each year from those granted per year (1996-2015)



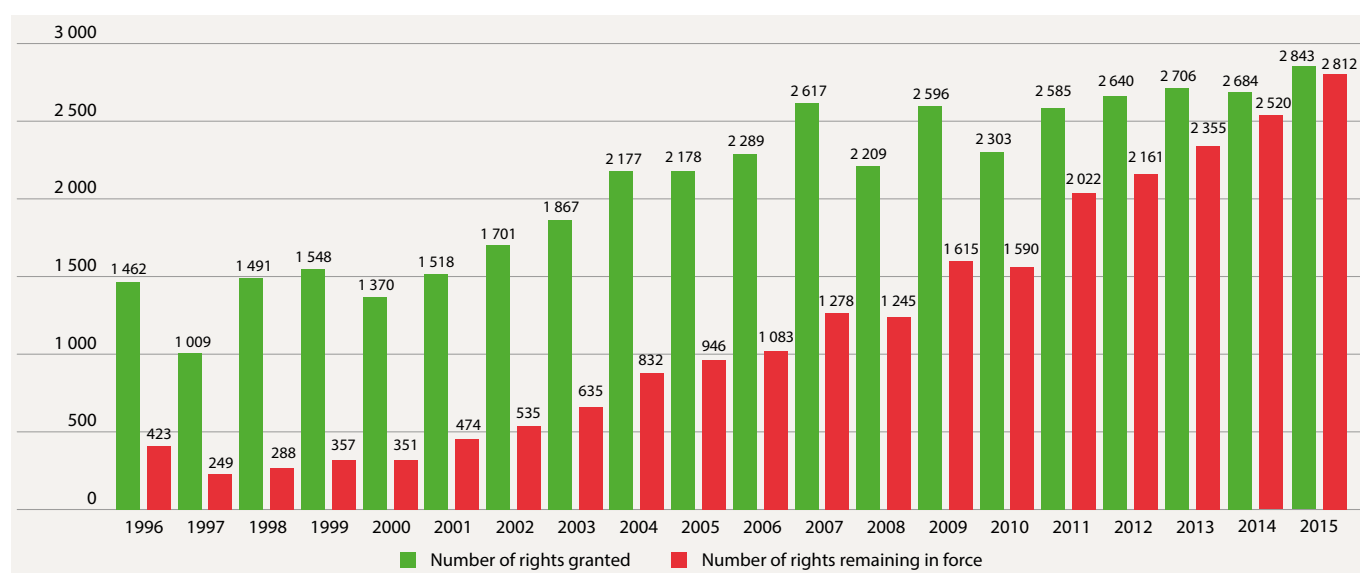
The development of the number of CPVRs in force must be seen in conjunction with the number of rights surrendered (Graph 6). The number of rights granted still greatly outweighs the number of surrenders. As older varieties are replaced by newer ones, the number of surrenders is expected to approach more closely the number of applications. The regular increase in the number of surrenders is therefore not a surprise. No research has been conducted to identify the reasons for greater deviations from the linear trend; they might be associated with ups and downs in the economic conditions, mergers of companies and a subsequent consolidation of the variety portfolio or changes in the amount of the annual fee to be paid in order to keep a right in force.

Graph 6: Number of surrenders of CPVRs (1996-2015)



Graph 7 shows the number of rights granted in the years 1996-2015 and those still in force on 31 December 2015. A large number of rights are surrendered within a few years. The CPVR system is still too new to be able to say how many varieties will actually enjoy their full term of protection of 25 or 30 years. However, figures suggest that it will be a relatively small percentage of all the varieties once protected. This also suggests that the current period of protection might generally be quite well adapted to the needs of breeders.

Graph 7: Number of rights granted each year from 1996 to 2015 and those remaining in force on 31 December 2015 from those granted per year



At the end of 2015, of the 41 793 rights granted in total, 23 771 (56.88 %) were still in force. Table 11 illustrates that fruit varieties are generally kept protected for a longer period and that, within each crop sector, the situation varies from species to species. There might be a number of reasons for this phenomenon, such as a change in consumer preferences, breeding trends, differences in intensity of breeding activities, the time and expense required to develop new varieties or — as may be assumed for *Phalaenopsis* — a recent boom in plant breeding.

Table 11: Percentage of granted rights that were still in force on 31 December 2015

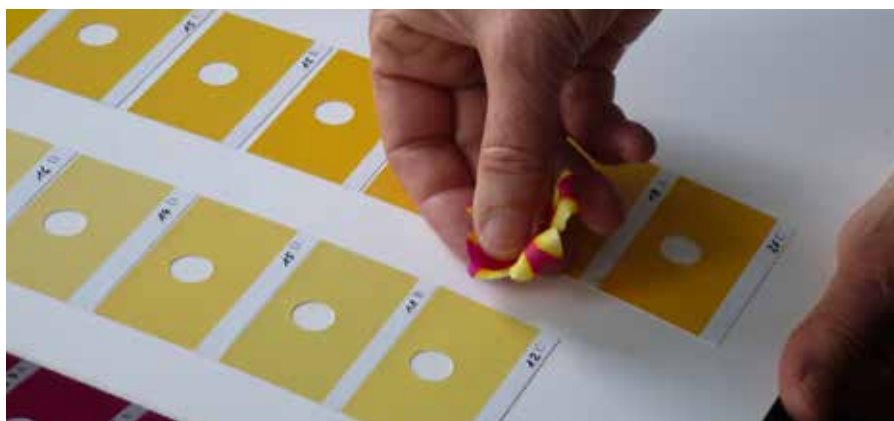
Crop sector	Species	Proportion %
Agricultural		62
	<i>Hordeum vulgare</i> L. sensu lato	53
	<i>Zea mays</i> L.	59
	<i>Triticum aestivum</i> L. emend. Fiori et Paol.	59
	<i>Solanum tuberosum</i> L.	66
	<i>Festuca rubra</i> L.	87
Vegetable		66
	<i>Cichorium endivia</i> L.	56
	<i>Lactuca sativa</i> L.	60
	<i>Solanum lycopersicum</i> L.	73
	<i>Capsicum annuum</i> L.	76
	<i>Daucus carota</i> L.	83
Ornamental		51
	<i>Gerbera</i> L.	21
	<i>Chrysanthemum</i> L.	43
	<i>Rosa</i> L.	51
	<i>Phalaenopsis</i> Blume & <i>Doritaenopsis</i> hort.	68
	<i>Clematis</i> L.	89
Fruit		78
	<i>Fragaria x ananassa</i> Duch.	67
	<i>Prunus persica</i> (L.) Batsch	75
	<i>Prunus domestica</i> L.	75
	<i>Malus domestica</i> Borkh.	79
	<i>Prunus avium</i> (L.) L.	89

10.2.3. Technical examinations

In 2015, the CPVO initiated 1 768 technical examinations, 459 fewer than in 2014. The decrease is of course linked to the decreasing number of applications. For vegetable and agricultural crops, a large number of technical examinations have already been carried out under the framework of the national listing procedure. If such a technical examination has been carried out by an entrusted EO, the CPVO can base its decision to grant CPVRs on a technical examination that has been carried out within the framework of a national application. By contrast, for ornamentals, where the decrease in application numbers was particularly significant, only a few reports can be taken over from other authorities and, consequently, the lower application numbers have a direct impact on the number of technical examinations to be initiated.



Morphological measures on ornamentals



Morphological measures on ornamentals

10.2.3.1. Sales of reports

National authorities from all over the world regularly base their decisions on applications for PVRs on technical examinations carried out on behalf of the CPVO (international cooperation, takeover of reports). Graph 8 illustrates the number of reports the Office has made available to national authorities.

Graph 8

Evolution of the number of DUS testing reports made available to other PVR authorities (1998-2015)



By the end of 2015, the Office had sold 5 334 technical reports to 54 countries. During that year, the five countries from which most requests emanated were Kenya, Morocco, Colombia, Brazil and Ecuador. In 2015, 60.95 % of requests concerned ornamental varieties, 26.93 % fruit varieties, 7.35 % agricultural varieties and 4.77 % vegetable varieties. In 2015, the Office received 776 requests, which is the highest number of requests ever received.

The Office has set up a flexible approach in respect of the agreed UPOV fee for making reports available. Requesting countries can pay this fee directly to the CPVO, but they can also opt for the alternative, according to which the Office sends the invoice to the breeder. The report is always provided directly to the national authorities.

Table 12: The 10 countries that have bought the most DUS technical reports from the CPVO (1998-2015)

Country	Number of reports bought
Brazil	575
Israel	571
Colombia	518
Ecuador	456
Switzerland	383
Kenya	315
Canada	293
Norway	253
France	239
New Zealand	231

10.2.3.2. Relations with examination offices

10.2.3.2.1. Nineteenth annual meeting with the examination offices

In December 2015, the CPVO held its 19th annual meeting with its EOs, which was also attended by representatives from the European Commission, the UPOV office and the breeders' organisations (Ciopora, ESA and Plantum), as well as by representatives from non-EU PVR authorities from Turkey. The main subjects were as follows.

- The CPVO assisting EOs to receive seeds of reference varieties.
- A proposed survey on discrepancies between information provided in the application documents (technical questionnaire) and the appearance of the plants in the DUS trial.
- The centralisation of 'small' ornamental species.
- The procedure to assess non-EU-based EOs before initiating technical cooperation.
- The date of entry into force of technical protocols.
- The revision of the template of CPVO technical protocols.
- An explanatory note on the postponement of testing rules.
- The publication, on the internet, of variety descriptions of parent lines of species with hybrid varieties.
- The reporting of similar varieties in the variety description.



Examination offices meeting, December 2015, Angers, France



Examination offices network

- The updating of variety descriptions.
- The updating of scientific plant names in the Office's registers.
- Information on the revision of the CPVO variety denominations guidelines and the development of the Variety Finder.
- Various legal matters, such as the revised EO designation agreement, the term 'technically qualified body' and recent case-law.

Furthermore, the participants were informed of the state of play of R & D projects and IT projects, such as the electronic exchange of documents with EOs, the pilot project for sharing the online application system and the upfront payment of EOs.

10.2.3.2.2. Preparation of CPVO protocols

In 2015, experts from the Member States' EOs were invited to participate in drawing up or revising technical protocols for DUS testing, which either were subsequently approved by the AC or can be expected to be approved in 2016. The following meetings were held.

- Agricultural experts. In 2015, the revised technical protocols for pea, rice, barley and oats were adopted, as well as a new CPVO technical protocol for meadow and tall fescue. Based on a decision of the AC inviting the Office to cover, by means of a CPVO technical protocol, the maximum amount of those species that are also subject to the seed directives, the CPVO continued discussions on new technical protocols despite the fact that only a very few applications were received for these species. The species concerned by that activity are the following: soya bean, cotton, field bean and common vetch. The experts decided in 2015 to put on hold further developments in the field until the UPOV technical guidelines have been revised.
- Fruit experts. In 2015, the revision of the *Prunus* rootstocks technical protocol was adopted by the AC at its spring meeting. The partial revision of the technical protocol for mandarins was discussed so that this could be adopted by the AC in March 2016.
- Vegetable experts. In 2015, the creation of new protocols for rhubarb and *Cucurbita moschata* and the partial revision of the lettuce protocol (*Bremia lactuca* isolates), spinach protocol (*Peronospora farinosa* races), tomato rootstock protocol (deletion of asterisk from *Pyrenochaeta lycopersici*) and tomato protocol (alternative methodology for tomato yellow leaf curl virus) were discussed. These are all expected to be approved in March 2016.

- Ornamental experts. The revised technical protocols for *Buddleja*, *Dianthus* and *Pelargonium grandiflorum* were discussed and subsequently adopted by the AC. For *Populus*, a future revision was prepared, however further discussion is necessary before adoption. The *Eucalyptus* protocol, though it falls into the group of ornamental crops, was the subject of discussions with the fruit experts, as the relevant experts participate in the fruit experts' meeting (see above). Furthermore, the need to revise the technical protocol for *Eucalyptus* was discussed and a proposal will be made to UPOV to take up such revision.

10.2.3.2.3. Crop experts' meetings

Two meetings with agricultural experts were held in 2015. The first was held in May in Vienna, Austria, in order to continue the discussions within the framework of the 'Common potato database' R & D project. Nine EOs and the breeders' organisation ESA participated in this meeting. The second meeting took place in September in Angers, France, where the first drafts of the new CPVO technical protocols for soya bean, cotton, tall and meadow fescue, field bean and common vetch were discussed. Further subjects of continued discussion were questions of new characteristics in the technical protocol for oilseed rape, where it is becoming difficult to establish distinctness. Concerning oilseed rape hybrid varieties, the discussion continued as regards the amount of seeds to be submitted to an EO for parent lines for which the production of seeds is very costly. Breeders and EOs were looking to find a solution. A survey will be conducted amongst the EOs in order to reduce the amount required to a minimum. The expert group discussed the assessment of disease resistances in the DUS testing of sunflowers as additional characteristics. This concerned downy mildew, *Orobanche* and resistance to *Sulfonylurea*. A final point was the question of how to ensure the availability of old example varieties in maize in case these are inbred lines. The discussion will be continued.



Vegetable experts meeting, December 2015, Angers, France

A meeting of ornamental experts was held in June at the premises of the Dutch EO Naktuinbouw to inform examiners of the developments in the work of the CPVO and to discuss items linked to the technical examinations (such as the level of information to be provided by applicants in the application documents and the assessment of certain characteristics), as well as the reporting of the examination results. Some new and revised technical protocols have been presented (see Section 10.2.3.2.2. above).

A meeting of fruit experts was held in October in Angers, France, to discuss a number of items relating to conducting technical examinations and reporting, including providing more information in interim reports, reporting the absence of similar varieties, the quarantine procedure for citrus, the outcome of a survey on the assessment of uniformity, plant health issues and the entry into force of technical protocols. The follow-ups to the R & D projects on the reduction of the number of growing cycles and the peach database were presented. The group decided to propose two R & D projects, for strawberry and apple.

A meeting of vegetable experts was held on 30 November and 1 December in Angers, France. In addition to the previously mentioned vegetable protocols, the group discussed numerous other items, particularly: 'aberrant plants in *Brassica oleracea*', where there will be a follow-up trial organised by GEVES to be visited by the group in early November 2016; 'possibilities for earlier submission and closing dates'; the outcome of the 'Harmores 2' R & D project and how to implement its recommendations into partial revisions of the CPVO pepper, pea, and lettuce technical protocols; the outcome of the R & D project on 'The effect of seed priming of vegetable DUS tests' and how to implement its conclusions on the possibility of accepting primed seed of tomato rootstock varieties and eggplant varieties for DUS tests; and the presentation of the proposed 'Harmores 3' R & D project to study identified weaknesses in the methodology of certain disease-resistance characteristics.

10.2.3.2.4. New species

In 2015, the CPVO received applications covering 86 different taxa of which varieties have not yet been subject to an application to the CPVO. As a result of the so-called new species inventories, the AC of the CPVO entrusted EOs for most of these new species. The taxa for which new EOs were entrusted in 2015 to conduct the technical examination are listed in Table 13 (73 taxa).

The computerised procedure, launched in August 2014, has proved to be efficient and convenient for the experts. This procedure, divided into two separate steps, allows transparency during the whole process, as all application documents are available, proposals from the other interested EOs are visible and comments can be added during the process.

For those taxa for which no proposal has been received so far, the CPVO is exploring technical solutions, either at EU level or outside the EU, depending on the species.

Graph 9 shows the evolution of the number of taxa for which the Office has received applications for Community plant variety protection since 1995.

Graph 9

Evolution of the number of botanical taxa for which the CPVO received applications (1995-2015)

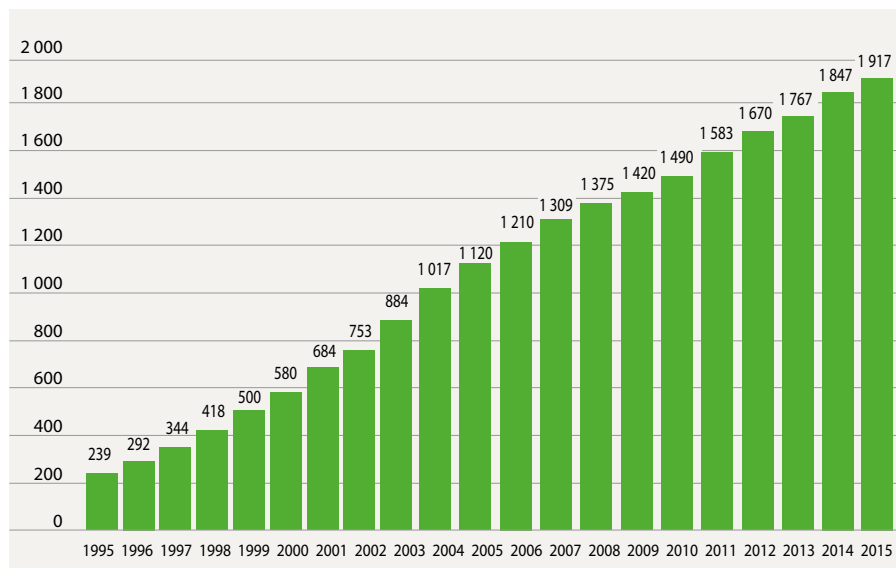


Table 13: List of new species for which examination offices were entrusted in 2015

Species
<i>Agrimonia procera</i>
<i>Allium tuncelianum</i> (Kollmann) Özhatay et al.
<i>Aloe melanacantha</i> A. Berger
<i>Alpinia officinarum</i> Hance
<i>Aphelandra squarrosa</i> Nees
<i>Aster alpinus</i> L.
<i>Berberis</i> L.
<i>Buglossoides arvensis</i> (L.) I. M. Johnst
<i>Calathea makoyana</i> E. Morren (syn. <i>Goeppertia makoyana</i> (E. Morren) Borchs. & S. Suárez)
<i>Callisia repens</i> (Jacq.) L.
<i>Calycanthus</i> × <i>raulstonii</i> (F. T. Lass. & Fantz) F. T. Lass. & Fantz ex Bernd Schulz
<i>Campsis grandiflora</i> (Thunb.) K. Schum. × <i>C.</i> × <i>tagliabuana</i> (Vis.) Rehder
<i>Carex morrowii</i> Boott
<i>Castanea</i> Mill.
<i>Convallaria majalis</i> L.
<i>Correa</i> Andrews
<i>Craspedia globosa</i> (F. L. Bauer ex Benth.) Benth. (syn. <i>Pycnosorus globosus</i> F. L. Bauer ex Benth.)
<i>Crassula ovata</i> (Mill.) Druce × <i>Kalanchoe thyrsiflora</i> Harv.
<i>Daphne bholua</i> Buch.-Ham. ex D. Don × <i>Daphne odora</i> Thunb.
<i>Deutzia</i> × <i>rosea</i> (Lemoine) Rehder
<i>Diervilla</i> × <i>splendens</i> (Carrière) G. Kirchn. (syn. <i>Weigela splendens</i> Carrière)
<i>Diervilla rivularis</i> GATT.
<i>Distylium</i> Siebold & Zucc.
<i>Dracaena surculosa</i> Lindl. var. <i>surculosa</i> (syn. <i>Dracaena godseffiana</i> hort. Sander ex Mast.) × <i>Sansevieria parva</i> N. E. Br.
<i>Echeveria lilacina</i> Kimnach & R. C. Moran × <i>Pachyphytum oviferum</i> J. A. Purpus

Euphorbia cyathophora Murray (syn. *Euphorbia heterophylla* auct. N. Amer.)
Fargesia Franch.
Ficus natalensis Hochst.
Fuchsia paniculata Lindl.
Genista stenopetala Webb & Berthel. (syn. *Cytisus racemosus* Marnock)
Haworthia maxima (Haw.) Duval
Hibiscus L.
Hylotelephium H. Ohba × *Orostachys malacophylla* (Pall.) Fisch.
Iberis amara L.
Iberis gibraltarica L.
Kalanchoe uniflora (Stapf) Raym.-Hamet
Kleinia cephalophora Compton (syn. *Senecio cephalophorus* (Compton) H. Jacobsen)
Lachenalia aloides (L. f.) Pers. ex Engl.
Leontopodium nivale (Ten.) Hand.-Mazz.
Leucadendron laureolum (Lam.) Fourc. × *L. salignum* P. J. Bergius
Malus toringo (Siebold) de Vriese
Matricaria recutita L.
Microbiota decussata Kom.
Molinia caerulea (L.) Moench
Nepenthes rafflesiana Jack ex Hook. f. × *N. sibuyanensis* Nerz
Pelargonium × *domesticum* L. H. Bailey
Peperomia albovittata C. DC.
Peperomia caperata × *P. peruviana*
Peperomia obtusifolia (L.) A. Dietr.
Pistacia atlantica Desf. × *P. integerrima* J. L. Stewart
Pleurotus ostreatus (Jacq.) P. Kumm. × *Pleurotus eryngii* (DC.) Quéf.
Polygala myrtifolia L.
Populus × *woobstii* (R. I. Schröd. ex Regel) Dode
Psidium guajava L.
Rehmannia elata N. E. Br. ex Prain × *Rehmannia glutinosa* (Gaertn.) Steud.
Sambucus × *strumpfii* Gutte (*S. nigra* L. × *S. racemosa* L.)
Sansevieria dooneri N. E. Br. × *S. parva* N. E. Br.
Sansevieria Thunb.
Saxifraga callosa Sm. × *S. longifolia* Lapeyr.
Sesamum indicum L.
Solanum habrochaites S. Knapp & D.M. Spooner
Tibouchina Aubl.
Tripterygium regelii Sprague & Takeda
Triticum aestivum L. emend. Fiori et Paol. × *Triticum aestivum* L. subsp. *spelta* (L.) Thell.
Ulmus laevis Pall.
Vaccinium vitis-idaea L.
Vanilla planifolia Andrews
Viburnum odoratissimum Ker Gawl.
Viburnum opulus L.
Vitis rotundifolia Michx. var. *rotundifolia* × *V. rupestris* Scheele
Weigela middendorffiana (Carrière) K. Koch

10.2.4. Technical liaison officers (TLOs)

The CPVO tries to have a close and efficient working relationship with its EOs and the national offices of the Member States. Therefore, in 2002, the Office formalised a network of contact persons on a technical level in the Member States, the so-called TLOs. The TLOs play an important role in the relationship of the Office with its EOs. A revision of the set-up of the TLO network has been approved by the AC, and the changes enter into effect as from January 2016.

The main change is that TLOs were previously appointed by the relevant member of the AC. From 2016, the TLO is nominated by the EO itself.

The role of the TLO can, in general, be defined as acting as the contact point for the Office on a technical level. In particular, this means the following.

- Invitations for the annual meeting with the EOs are, in the first place, addressed to that person. If the TLO is not attending, they should communicate the details of the person who is attending that meeting to the CPVO.
- Invitations for technical-level expert groups are initially addressed to the TLO, who is in charge of nominating the relevant expert to the CPVO. Once an expert group has been set up, further communications or invitations are directly addressed to the relevant designated expert.
- The TLO should be the person at EO level who is in charge of distributing information of technical relevance within the EO in respect of the CPVR system (e.g. informing colleagues who are crop experts on conclusions from the annual meeting of the EOs).
- Technical enquiries, which are sent out by the CPVO in order to collect information, should be addressed to the TLOs. Examples include:
 - new species procedures, in order to prepare the proposal for the entrustment of EOs to the AC;
 - questionnaires in respect of closing dates, quality requirements, the testing of genetically modified organisms, etc.
- For communications of a general technical nature, the Office contacts the TLOs first. Specific problems, such as in respect of a certain variety, may be discussed in the first instance directly at the level of the crop expert at the EO and of the relevant expert at the CPVO.

The list of appointed TLOs (as of 31 December 2015) was as follows.

John Austin	Executive Agency for Variety Testing, Field Inspection and Seed Control Bulgaria
Bronislava Bátorová	Central Controlling and Testing Institute in Agriculture (UKSUP) Department of Variety Testing Slovakia
Alexandra Chatzigeorgiou	Ministry of Rural Development and Food Variety Research Institute of Cultivated Plants Greece
John Claffey	Department of Agriculture, Food and the Marine Office of the Controller of Plant Breeders' Rights Ireland
Zoltán Csurös	National Food Chain Safety Office (NÉBIH) Directorate of Plant Production and Horticulture Hungary
Françoise De Schutter	Office de la propriété intellectuelle — Intellectual Property Office Belgium
Maureen Delia	Ministry of Sustainable Development Environment and Climate Change Seeds and Other Propagation Material Unit Plant Health Directorate Malta
Gerhard Deneken	Tystofte Foundation Denmark
Barbara Fürnweiger	Austrian Agency for Health and Food Safety (AGES) Austria
Sigita Juciuvienė	Ministry of Agriculture Lithuanian State Plant Service Division of Plant Variety Lithuania
Sofija Kalinina	State Plant Protection Service Division of Seed Certification and Plant Variety Protection Latvia
Marcin Król	Research Centre for Cultivar Testing (Coboru) Poland
Paivi Mannerkorpi	European Commission Directorate-General for Health and Food Safety Belgium
Clarisse Maton	Groupe d'étude et de contrôle des variétés et des semences (GEVES) France
Kyriacos Mina	Ministry of Agriculture, Natural Resources and Environment Agricultural Research Institute Cyprus
Kaarina Paavilainen	Finnish Food Safety Authority (EVIRA) Finland
Teresa Maria Pais Nogueira Coelho	Directorate-General of Food and Veterinary Services Portugal
Laima Puur	Agricultural Board Estonia
Helena Rakovec	Ministry of Agriculture, Forestry and Food Phytosanitary Administration of the Republic of Slovenia Slovenia
Mara Ramans	Animal and Plant Health Agency United Kingdom

Mihaela Rodica Ciora	State Institute for Variety Testing and Registration Romania
Beate Rücker	Bundessortenamt Germany
Ivana Rukavina	Croatian Centre for Agriculture Food and Rural Affairs Institute for Seed and Seedlings Croatia
Radmila Safarikova	Central Institute for Supervising and Testing in Agriculture (ÚKZÚZ) Czech Republic
Luis Salaices Sánchez	Spanish Plant Variety Office (OEVV) Ministry of Agriculture, Food and the Environment Spain
Karin Sperlingsson	Swedish Board of Agriculture Seed Division Sweden
Domenico Strazzulla	Ministry of Agriculture and Forestry Department of Competitive Policies of Rural Life and Quality Italy
Kees van Ettehoven	Naktuinbouw Afdeling Rassenonderzoek Netherlands
Marc Weyland	Agriculture Technical Services Office Plant Production Service Luxembourg

11. VARIETY DENOMINATIONS

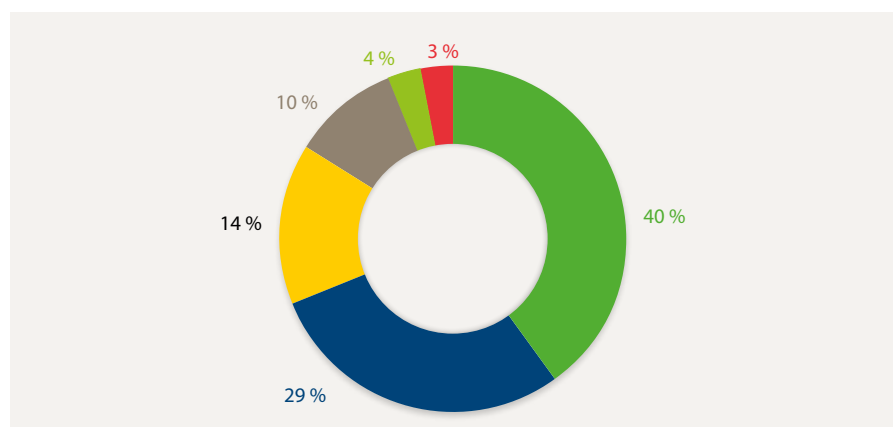
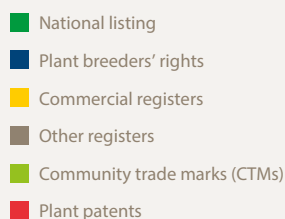
11.1. The CPVO Variety Finder: latest developments

Maintained by the CPVO, the web-based CPVO Variety Finder database includes a similarity search tool to test the suitability of denominations for similarity and a general search tool. It contains information on registers of more than 60 countries and is accessible from the home page of the CPVO website. Over the last 10 years, the number of users (national authorities and applicants for CPVRs and the general public) of the Variety Finder has constantly increased.

In total, nearly 940 000 records originating from EU and UPOV Member States have so far been included in the Variety Finder. Graph 10 shows an overview of the content of the database with the number of records per type of register.

Graph 10

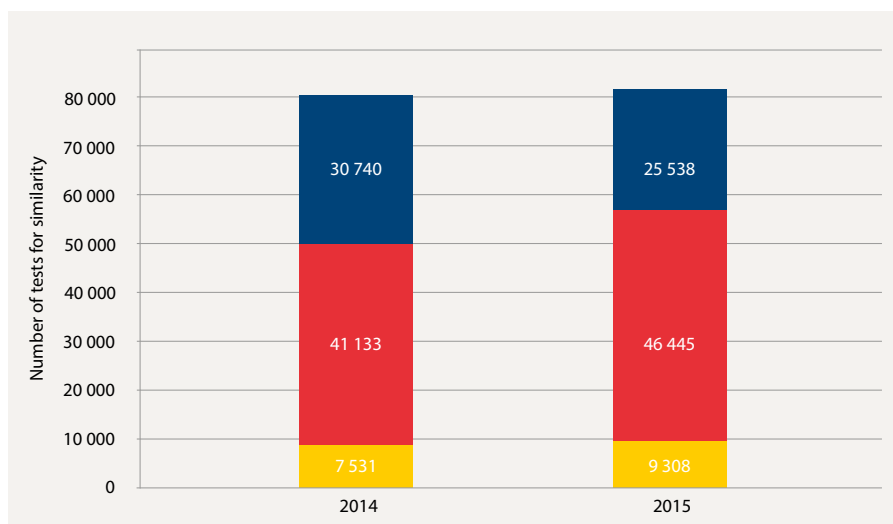
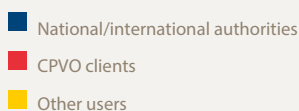
Number of records per type of register (on 31 December 2015)



Graph 11 shows the number of tests for similarity performed in the database by national or international authorities, CPVO clients and other types of contacts over the last 2 years. CPVO applicants increased their use of the similarity search tool by 13 % in 2015 compared to the previous year.

Graph 11

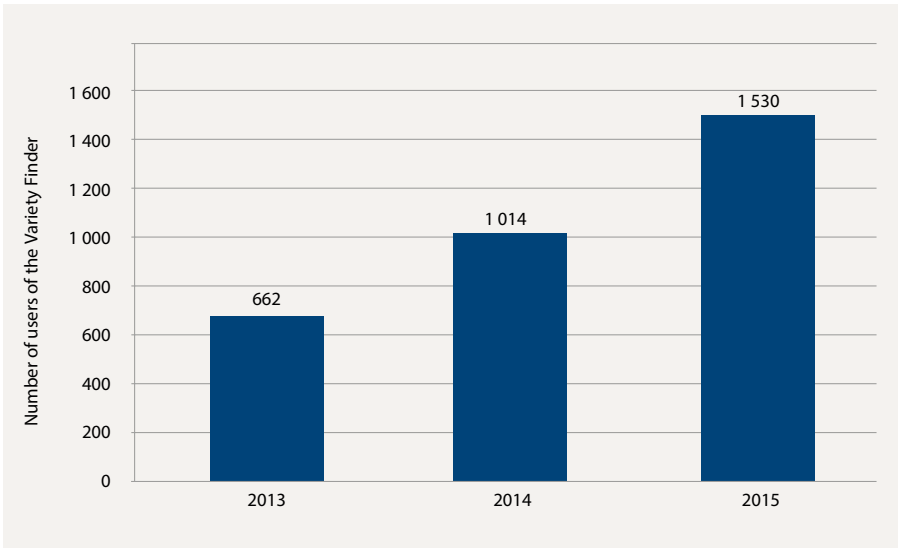
Number of tests for similarity launched in the Variety Finder (2014-2015)



A retrieval tool allows more general searches for details on varieties or species present in the database and will be further developed in 2016.

In 2015, the overall number of users of the Variety Finder database increased by 50 %, as illustrated in the graph below.

Graph 12
Number of users of the Variety
Finder database in 2015

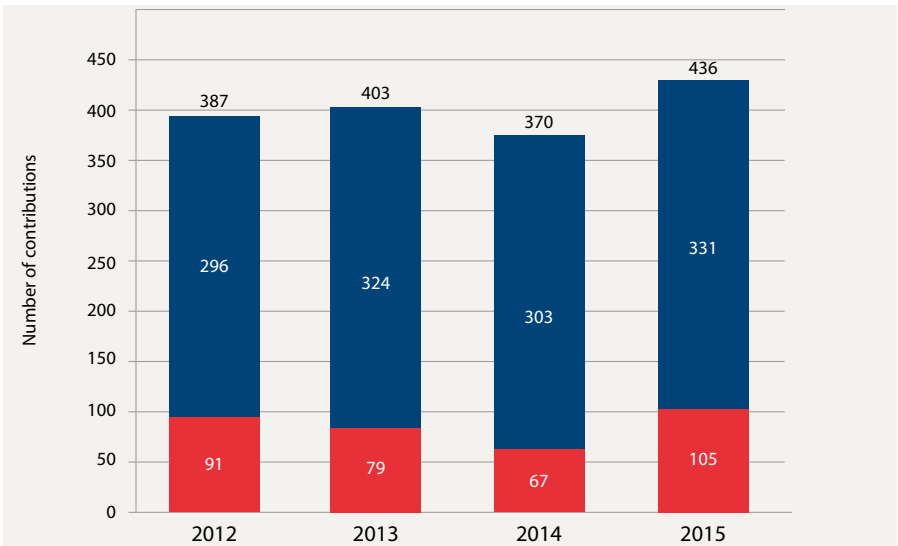


The Office receives contributions directly from Member States in respect of official and commercial registers, and via UPOV for most non-EU countries. Fifty-five organisations contributed to the Variety Finder, which represents 436 contributions for the year 2015.

The Office puts a great amount of effort into keeping the database as up to date as possible: 96 % of the contributions received in 2015 were included within 5 working days.

Graph 13
Number of contributions (EU/non-
EU) to the Variety Finder database
(2012-2015)

■ EU Member States
■ Non-EU countries



The AC agreed at its last meeting in October 2015 to the CPVO's proposal to launch a working group in order to reflect on new developments to be made in respect of the Variety Finder.

The group will be composed of representatives of the CPVO, the Commission, EOs, CPVO clients and breeders' organisations. The first meeting is planned for the end of March in Brussels.

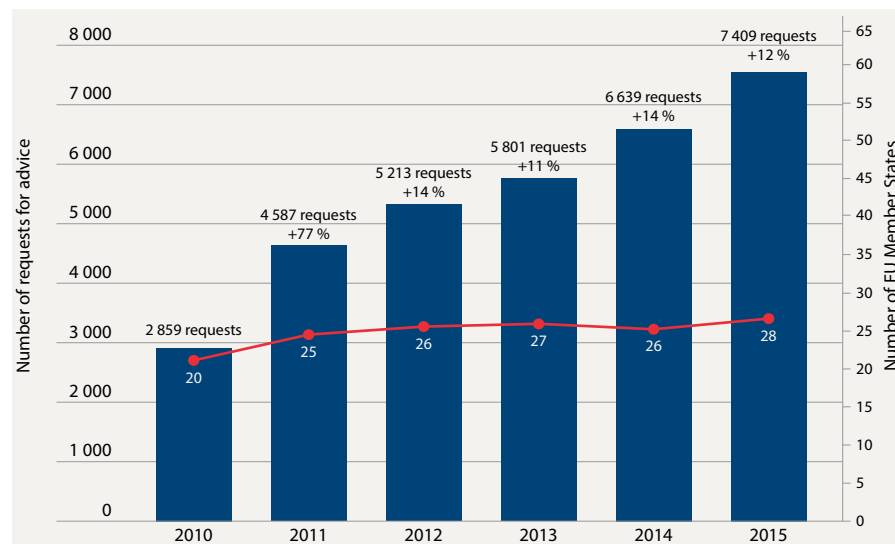
Ideas will be discussed on how to make the content of the database better reflect users' needs. The update procedure and data-exchange process could also be reviewed.

11.2. Cooperation in denomination testing: increase confirmed in 2015

2015 exceeded the record level of requests for advice reached in 2014, with more than 7 400 received from 28 actively participating countries. Member States have included the service in their normal procedure and submit most of the official denomination proposals they received before their publication at national level.

Graph 14

Number of requests for advice received and contributing Member States (2011-2015)



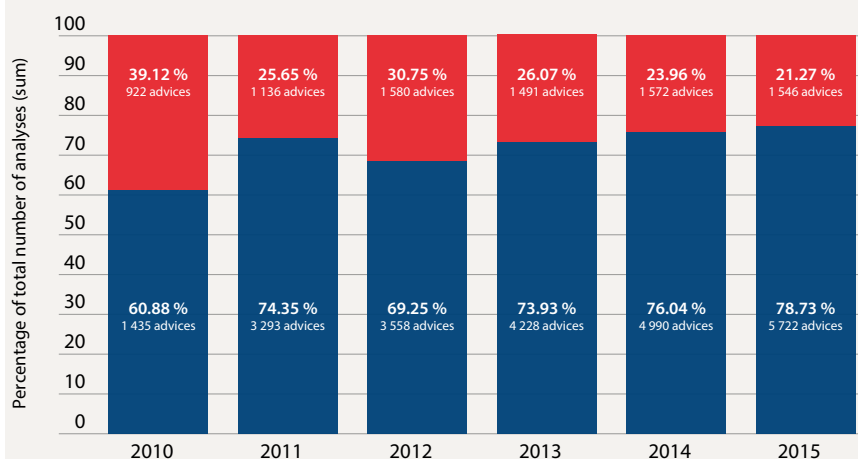
This increase did not affect the processing time, which remained stable with nearly 89 % of requests dealt with within half a day. In this regard, it is important to emphasise that the quality of information provided by participating countries at the time they submit their proposals and the sharing of information between the Office and national authorities play a major role in the processing time and often prevent observations that could have been avoided as to the suitability of the proposals.

In this respect, it should be underlined that 2015 had the lowest rate of observations since the service began, with 21.3 % of the total number of analyses.

Graph 15

Share in the number of observations/no observations (2011-2015)

■ Observation
■ No observation



11.3. Cooperation with the Royal General Bulb Growers' Association

In 2014, the Office concluded that the cooperation with KAVB in the Netherlands was very positive and represented added value in terms of mutual information sharing and exchanges about the interpretation of the rules.

In 2015, the AC agreed with the CPVO's proposal to continue the cooperation with KAVB for an unlimited term.

11.4. Revision of the guidelines on variety denominations

The service of cooperation in denomination testing allows the regular exchange of views between the Office and Member States as to the interpretation of the rules. With the increase in the number of cases, it became obvious over time that there is a need for further development of the guidelines and their explanatory notes.

During its meeting in October 2015, the AC agreed to the setting-up of a working group in 2016 to discuss the amendments to the guidelines and to consider whether such amendments would impact on Commission Regulation (EC) No 637/2009 of 22 July 2009 establishing implementing rules as to the suitability of the denominations. The working group will consist of AC members, the Commission, breeders' organisations, EOs, UPOV, KAVB and the Royal Horticultural Society.

12. INFORMATION TECHNOLOGY

IT developments in 2015 continued, in line with the overall vision, to work with the programmes that have been set out as key for the Office. IT developments are crucial for the proper functioning of the CPVO and stakeholders, and the need to have a strong in-house IT service cannot be underestimated.

12.1. E-services

The e-services programme encompasses all of the various projects that will ensure that the CPVO's dealings with external stakeholders (clients, EOs and partners such as OHIM, UPOV, etc.) are online, transparent and paperless and, to the extent possible, involve a minimum of manual intervention in the procedures.

During 2015, a number of projects were completed in this regard, including the final phase of the e-invoicing system for clients, which allows electronic invoices to be sent to clients upon request. This project will have impacts progressively as the functions are made available to clients.

12.2. Operational improvements

Operational tools cover all the IT applications necessary for the day-to-day business of the Office. As is the case every year, significant developments were made in 2015 with regard to internal operational tools that manage, inter alia, application processing, document management, human resources and finance.

The negative decisions procedure within the Office was automated during 2015, thereby ensuring that the process is electronic and working in the same manner as the generation of titles.

Since mid 2015, tools have been used that allow the automatic integration of supplier invoices into the CPVO's system. Significant work was undertaken on the 'MyCPVO' project, which will become a client portal for all contact with the CPVO. During 2015, back-office upgrades were put in place that will allow a beta version of the tool to be tested by clients in early 2016. This tool will also allow clients to manage their own access to the CPVO's systems, thereby helping with the automation of the CPVO's tasks.

12.3. Communication tools

Strong internal and external communication channels are critical. As regards internal communication, the Office renewed the internal Sharepoint site (the intranet) and launched a call for tenders to upgrade the CPVO's external website, a project that should be completed in 2016.

12.4. Infrastructure development

The Office continues to focus on the virtualisation of servers and enhanced business continuity. Furthermore, migration to Microsoft Office 2013 was launched and should be completed in early 2016. Preparations were made for migration to Exchange 2013, which is a prerequisite for the upgrading of the email system.



DUS trials on phalaenopsis, Netherlands



Oilseed rape, Germany

13. COOPERATION WITH THE DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

13.1. Standing Committee on Community Plant Variety Rights

This European Commission committee held one meeting on 30 October 2015 to discuss the proposal for the revision of the proceedings regulation and to approve amendments to the fees regulation proposed by the AC in order to decrease the level of the application fee for applications for EU plant breeders' rights submitted online. The new reduced fee aims to encourage applicants to submit online applications.

13.2. Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry

This European Commission committee met four times during 2015 in Brussels, and staff members of the CPVO attended three meetings as part of the Commission delegation.

Of particular interest for the CPVO throughout 2015 were the following.

- The exchange of views on true potato seeds in view of the possible organisation of a temporary experiment.
- The discussions on the use of the term 'accreditation' by the International Seed Testing Association.
- The exchange of views on the indication of hybridity in the common catalogue.
- The discussions relating to the alignment of botanical names of certain species with the international nomenclature.
- The presentation by the United Kingdom on the organisation of a temporary experiment on derogations for the marketing of populations in several cereal species.
- The exchange of views on a request to include *Brassica napus* L. var. *napobrassica* under the scope of Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed.
- The follow-up on the Commission working group meeting on biochemical and molecular techniques.
- The report on the implementation of Commission Decision 2004/842/EC of 1 December 2004 concerning implementing rules whereby Member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted.
- The discussion on a draft Commission directive amending Commission Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directives 2002/53/EC and 2002/55/EC respectively as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant and vegetable species.

- Information provided by the Commission on the common catalogues of vegetables and agricultural species.
- Organisation for Economic Cooperation and Development (OECD) developments.

The CPVO informs the members of the standing committee on a regular basis of developments of interest at the level of the CPVO, in particular in respect of decisions taken by the AC of the CPVO on new or revised technical protocols for DUS testing.

13.3. Standing Committee on Propagating Material of Ornamental Plants

This European Commission committee did not meet in 2015.

13.4. Standing Committee on Propagating Material and Plants of Fruit Genera and Species

Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production was adopted on 29 September 2008 and needs to be implemented by the Commission.

One major issue in this directive is the obligation for the official listing of varieties of fruit plants for their commercialisation in the EU as of 1 October 2012. The directive also establishes that fruit varieties granted CPVRs will automatically be authorised for marketing within the EU without any further need for registration. Implementing rules, unfortunately, could not be agreed upon by 1 October 2012, but were adopted in 2014 for implementation on 1 January 2017.



Eggplant



DUS trials on impatiens, Germany

The CPVO participated in most of the standing committee and working group meetings organised by the Commission on this subject. It assisted the Commission in drafting some working group minutes and followed the development of discussions closely, especially on aspects related to DUS examination and the suitability of proposed variety denominations. The CPVO regularly communicated its views to the European Commission in this respect.

13.5. Council working parties

Following an invitation from the Directorate-General for Health and Food Safety to join the Commission representation, the CPVO participated in the following Council working parties in 2015:

- coordination of UPOV meetings (Council, Consultative Committee, Technical Committee and Administrative and Legal Committee);
- coordination of OECD meetings on seed schemes (annual meeting and technical working group).

14. EXTERNAL RELATIONS

14.1. Contacts with external organisations

14.1.1. Working with breeders' organisations

Regular interaction with breeders' organisations is a top priority for the CPVO. The CPVO ensures it is in frequent contact with breeders' organisations, particularly those that represent the majority of users of the EU system. Ciopora, ESA and Plantum are all key contributors to the work of the CPVO.

Representatives of these three organisations participate in the AC of the CPVO as observers and in all relevant meetings of technical experts organised by the Office. These organisations take an active part in and contribute to seminars and workshops organised by the CPVO. The breeders' organisations play an invaluable role in spreading information and knowledge on all aspects of the Community plant variety system throughout the EU.

The CPVO is most grateful for the very constructive and positive collaborations, that it shares with these organisations and without which the Office could not communicate its work on PVRs to breeders.

14.1.2. Contacts with the International Union for the Protection of New Varieties of Plants

The CPVO has participated in UPOV activities since 1996. In July 2005, the European Community became a member of UPOV.

During 2015, as members of the EU delegation, CPVO officials participated in UPOV activities and attended the meetings of the following UPOV bodies and committees:

- the UPOV Council;
- the Legal and Administrative Committee;
- the Technical Committee;
- the Consultative Committee;
- technical working parties (agricultural crops, vegetable crops (hosted by the CPVO), fruit crops, ornamental plants and forest trees, automation and computer programs);
- the ad hoc Working Group on the Development of a Prototype Electronic Application Form;
- the ad hoc Working Group on the Development of a Variety Denominations Search Tool.

The CPVO collaborated in the second edition of the UPOV 'Training the trainers' course for Latin American countries, organised by UPOV, WIPO and the Spanish authorities, in Santa Cruz de la Sierra, Bolivia, in November 2015.

The CPVO also participated in two seminars organised jointly by UPOV and the Japanese Ministry of Agriculture in Brunei and Laos (on 5 December and 7 and 8 December

respectively) on plant breeders' rights. The CPVO made presentations on the EU PVR system and the organisation of DUS testing in the EU.

Senior officials of the UPOV office regularly attend meetings of experts or working groups organised by the CPVO dealing with technical and legal issues of common interest.

The CPVO signed a memorandum of understanding with UPOV in October 2004 for a programme of cooperation. Within the framework of this cooperation, the CPVO exchanged information with UPOV during the development of its CPVO Variety Finder in order to ensure compatibility with the existing UPOV plant variety databases (the PLUTO database and UPOV-ROM). Both databases contain data on plant varieties for which protection has been granted or that are the subject of an application for protection, and also those that are included in national lists of varieties for marketing purposes.

The CPVO Variety Finder operates on the basis of a system of codes assigned to botanical names and developed by UPOV. Since its release in July 2005, the Office and UPOV have started to exchange data extensively, UPOV collecting data from non-EU UPOV countries and the Office bringing together data from the EU.

In several regions of the world where countries are members of UPOV, such as Asia, Africa, Latin America and the Caribbean, there is an emergent interest in knowing the details and results of PVR systems with a regional scope, and learning from the experience accumulated. The CPVO frequently provides speakers for seminars and technical workshops organised by UPOV.

14.1.3. Contacts with the Office for Harmonization in the Internal Market (Trade Marks and Designs)

In 2015, the CPVO and OHIM continued to exchange experiences in the field of trademark examination, specifically dealing with the assessment of similarity and likelihood of confusion, and variety denominations testing. Training has been mutually organised in this respect with the involvement of the members of the Boards of Appeal of OHIM and the CPVO. Moreover, in 2015, the CPVO continued to participate in the enforcement and legal working groups of the European Observatory on Infringements of Intellectual Property Rights, as well as in the plenary session, where it was proposed that the next OHIM/EPO intellectual property (IP) survey, which is expected to start in 2016, would also include PVRs. Finally, the CPVO has participated in the preparation of the Observatory's case-law collection project by providing national case-law on PVRs and the infringement of CPVRs. The project aims at collecting key national case-law in relation to the enforcement of IP rights in Member States.

14.1.4. Contacts with the European Patent Office

Following the seminar on the interface between patents and PVRs that took place in Brussels in June 2015, the CPVO has initiated contact with the EPO in order to establish

a basis for future cooperation. The project aims at exchanging technical knowledge and practical experiences between technical experts in the two institutions. It is planned that the training envisaged will be implemented in 2016.

14.1.5. Contacts with the Organisation for Economic Cooperation and Development

In January 2015, the Vice-President of the CPVO attended the Technical Working Group meeting of the OECD seed schemes held in Paris, France and, in June, the President and the Vice-President of the CPVO attended the annual meeting of the OECD seed schemes, also in Paris.

14.1.6. Other contacts

The CPVO maintains regular external contacts by participating in meetings organised by:

- the Commission Directorate-General for Human Resources and Security — implementation of matters regarding the Staff Regulations;
- the Commission Directorate-General for the Budget — implementation of the new financial regulation.

In addition, other fields of external activity can be mentioned, such as:

- the relevant standing committees of the European Commission;
- the Management Board of the Translation Centre for the Bodies of the European Union;
- the coordination of the EU agencies at management level;
- the annual coordination meeting of the Publications Office of the European Union with the EU agencies;
- the meetings of the data protection officers (DPOs) of the EU agencies, as well as other working groups established under the umbrella of the coordination of EU agencies.



IPM 2015, Essen, Germany



Salon du végétal 2015, Angers, France

14.2. Training and promotion of the Community plant variety rights system

14.2.1. Participation in international fairs

The CPVO considers its participation in international fairs and open days at EOs to be a useful opportunity to promote the CPVR system, to have direct contact with applicants and to provide information to breeders. In 2015, the Office participated in two fairs, as detailed below.

- At the end of January 2015, the Office attended the International Trade Fair for Plants (IPM) in Essen, Germany. The stand was shared with experts from Bundessortenamt (Germany), Naktuinbouw (Netherlands) and NIAB (United Kingdom). Even though the fair is open to the entire field of horticulture, the focus is on ornamentals.
- The Salon du Végétal, which takes place in mid February in Angers, France, is a fair mainly for breeders of ornamental plants in which the Office regularly participates together with GEVES (France).

14.2.2. The African Regional Intellectual Property Organisation adopts the plant variety protocol

On 6 July 2015, the African Regional Intellectual Property Organisation (ARIPO) adopted, in Arusha, Tanzania, the Arusha Protocol for the Protection of New Plant Varieties in ARIPO Member States. It was an honour for the President of the CPVO to attend this conference, which was opened by the Vice-President of Tanzania.

A major landmark in this journey was the adoption of the revised draft legal framework by the Council of Ministers of ARIPO, in November 2013. This framework was the basis for the development of an ARIPO Protocol on Plant Variety Protection. In April 2014, the Council of UPOV affirmed the conformity of the ARIPO Draft Protocol for the Protection of New Varieties of Plants with the provisions of the 1991 Act of the UPOV Convention. The final version of the Arusha Protocol should thus be in line with UPOV's 1991 Act. However, since the Arusha Protocol provides a bundle of national rights and not a right covering the territory of all countries that will ratify the protocol, it seems that ARIPO cannot become a UPOV member as an intergovernmental organisation.

The ARIPO members are as follows: The Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mozambique, Namibia, Rwanda, São Tomé and Príncipe, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe.

The CPVO looks forward to continued collaborations with ARIPO in 2016.

14.2.3. The implementation of the African Intellectual Property Organisation roadmap

In 2014, OAPI became the second intergovernmental organisation and the 72nd member to join UPOV. OAPI then adopted an ambitious 5-year roadmap, from 2015 to 2020, which they are eagerly pursuing. The CPVO, GEVES, the Groupement national interprofessionnel des semences et plants (French Association for Seeds and Seedlings), Naktuinbouw and the United States Patent and Trademark Office are hugely supportive of this initiative and are actively supporting its implementation.

The OAPI operates a PVR system that covers the territory of its 17 Member States: Benin, Burkina Faso, Cameroon, the Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo.

The CPVO offers its congratulations to OAPI for the latter's numerous achievements, and looks forward to working together to broaden international cooperation in the field of PVRs in 2016.

14.2.4. The Asia and Pacific Seed Association

The CPVO participated in a workshop on intellectual property rights (IPRs) organised by the Asia and Pacific Seed Association in Bangkok, Thailand on 18 May 2015. The Vice-President of the CPVO gave a presentation entitled 'Seed industry and IPR perspective from a regional plant variety protection office'.

14.2.5. Making plant variety rights an educational centrepiece

The CPVO continues to cooperate with a network of universities with the aim of spreading awareness of PVRs among students and academics. In this respect, the CPVO has recently expressed its support as an associated partner, along with OHIM and other relevant entities such as WIPO, of a proposal that will be submitted by the European Intellectual Property Institutes Network, under the Marie Skłodowska-Curie actions of the European Commission, in order to launch a doctorate in IP. Moreover, for the second year, the CPVO is continuing its collaboration with the universities of Alicante and Strasbourg. PVRs are often neglected in classical IP academic programmes. Now it will be an integral element of their IP curriculums. This cooperation will invite institutional and academic specialists to focus on PVR issues.

The CPVO has also reviewed the case-law database with the valuable cooperation of Queen Mary University of London. This project involves compiling and formatting all plant variety case-law across the EU. Such an improved database will allow the CPVO to develop a greater understanding of the national implementation of PVRs, while also fostering a culture of PVR excellence.

The above partnerships highlight the importance the CPVO attaches to the training of PVR experts and its commitment to continue to attract the best minds to the field of PVRs. The CPVO is eager to attract the brightest aspiring IP experts to the field of PVRs, and engaging with universities is the right way to do so.

15. PUBLIC ACCESS TO DOCUMENTS

In 2001, specific rules on public access to documents held by the Parliament, the Council and the Commission were introduced by the adoption of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. In order for these rules to apply also to documents held by the Office, a new article, Article 33a, was introduced into the basic regulation in 2003 by the adoption of Council Regulation (EC) No 1650/2003 of 18 June 2003 amending Regulation (EC) No 2100/94 on Community plant variety rights.

Article 33a contains the following elements.

- Regulation (EC) No 1049/2001 shall also apply to documents held by the Office. This provision entered into force on 1 October 2003.
- The AC shall adopt practical arrangements for implementing Regulation (EC) No 1049/2001. The AC adopted such practical arrangements on 25 March 2004. These rules entered into force on 1 April 2004.
- Decisions taken by the Office on public access to documents may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice.

Regulation (EC) No 1049/2001 and the rules adopted by the AC (modified during the October 2014 meeting of the AC in order to reflect the new work organisation within the Legal Unit of the CPVO) are available on the website of the Office. Information on these rules and the forms to use when requesting access to a document are also published on the website of the Office.

The Office follows up the implementation and application of the rules on public access to documents by reporting annually on information such as the number of cases in which the Office refused to grant access to documents and the reasons for such refusals.

Year of receipt	Number of requests for access received	Number of refusals	Reasons for such refusals	Confirmatory applications
2004	30	6 (partial)	Confidential technical questionnaire not sent	
2005	55	2 (partial)	Confidential technical questionnaire not sent	
2006	58	6 (partial)	Confidential technical questionnaire not sent	
2007	55	17 (partial)	Confidential technical questionnaire not sent/ information of commercial interest not sent	2 (successful)
2008	57	19 (partial)	Confidential technical questionnaire/photo/ assignment not sent	1 (unsuccessful)
2009	54	28 (partial)	Confidential technical questionnaire not sent/ information of commercial interest not sent/ photos not available	2 (successful)
2010	63	29 (partial)	Confidential technical questionnaire not sent/ information of commercial interest not sent	1 (unsuccessful)
2011	71	27 (partial)	Confidential technical questionnaire not sent/ information of commercial interest not sent	2 (1 unsuccessful and 1 successful)
2012	88	57 (partial)	Confidential technical questionnaire not sent/ information of commercial interest not sent	8 (3 unsuccessful and 5 successful)
2013	63	18 (partial)	Confidential technical questionnaire not sent/ information of commercial interest not sent	1 (unsuccessful)
2014	81	27 (partial)	Confidential technical questionnaire not sent/ information of commercial interest not sent	4 (1 unsuccessful and 3 successful)
2015	75	17 (partial)	Confidential technical questionnaire not sent	3 (2 unsuccessful and 1 successful)

16. REPORT OF THE DATA PROTECTION OFFICER

16.1. Legal background

Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data was adopted for the purpose of complying with Article 16 of the Treaty on the Functioning of the European Union. Article 16 requires the application by the European Union institutions and bodies of the EU acts on the protection of individuals with regard to the processing of personal data and the free movement of such data.

‘Processing of data’ has quite a broad meaning, and refers not only to transferring data to third parties but also to collecting, recording and storing data, whether or not by electronic means.

16.2. Role and tasks of the data protection officer (DPO)

Regulation (EC) No 45/2001 requires the nomination of at least one DPO in the EU institutions and bodies. The DPO should ensure, in an independent manner, the internal application of the provisions in the regulation and that the rights and freedoms of the data subjects are unlikely to be adversely affected by the processing operations.

The DPO keeps a register of all the processing operations carried out by the CPVO and notified either to the DPO or to the European Data Protection Supervisor (EDPS). This register, which must contain information explaining the purpose and conditions of the processing operations, is accessible to any interested person.

Following the expiry of the mandate of the former DPO, a part-time DPO was appointed for a term of 2½ years by decision of the CPVO President of 2 April 2014. As of March 2015, a trainee was attached to the DPO as part of the CPVO in-service training programme.



DUS trials on roses, Netherlands



Rhododendron, Belgium

16.3. Report of the data protection officer for 2015

16.3.1. Register of data processing operations

The DPO maintains a register of data protection operations in the form of a database, available from the CPVO intranet under the DPO section. This register contains notifications (Article 25) received from the controllers, as well as prior checking operations (Article 27) sent to the EDPS for an opinion.

By the end of 2015, the register contained 66 entries composed of 46 notifications and 20 prior checking operations with an opinion from the EDPS.

16.3.2. Inventory of data processing operations

An inventory of new or amended processing operations within the CPVO is regularly updated. In particular, changes in the Staff Regulations and the new implementing rules adopted at Commission level have created the need to adapt the Office's set of notifications. This inventory contained, at the end of 2015, 21 processing operations that were in the process of being implemented. Eight processing operations were related to Commission decisions and would follow the notification procedure initiated by the Commission DPO. The EDPS had pointed out previously that no additional notifications by institutions and agencies were required for any implementing rule already notified by the Commission DPO.

16.3.3. Thematic guidelines of the European Data Protection Supervisor

The EDPS issues guidelines on specific themes in order to provide guidance for EU institutions and bodies in certain fields relevant to them. These guidelines also facilitate the prior checking by the EDPS of processing operations in the EU agencies as they serve as a reference document helping agencies to align their current practices with the data protection rules.

The EDPS adopted a thematic guideline concerning the processing of personal data and mobile devices. The EDPS also published a guideline on electronic communications and regular newsletters with updates on relevant court cases.

16.3.4. Information provided to data subjects and controllers

The staff members of the CPVO are informed about data protection issues through the DPO intranet, which is updated on a regular basis. It contains the principles of data protection, the subjects' rights, the controllers' obligations, the regulation, some documents and decisions of the President relating to data protection issues, data protection notices and privacy statements, the register and the notification forms.

Individuals whose data are processed by the CPVO are routinely informed about the nature, the extent and the limitations of the data processing by means of specific data protection notices. These notices are made available to data subjects before any processing of personal data takes place.

In addition, the DPO organised two meetings with the controllers/heads of units of the CPVO, which took place in June and July of 2015. The DPO team highlighted the controllers' obligations related to the processing of personal data, and presented Regulation (EC) No 45/2001 as well as the implementation requirements.

Meetings with the staff members involved were also organised concerning a wide range of procedures such as: the conflict of interest procedure, benchmarking, whistleblowing, processing of data in connection with the CPVO ICT user policy, online applications and the disciplinary procedure.

16.3.5. Meetings of the data protection officers' network in 2015

As a function common to all EU institutions and bodies, DPOs are now well established and regularly meet within the framework of a DPO network twice a year. These meetings are organised in order to share know-how and best practices. They usually include a training module and a session with the EDPS.

The DPO of the CPVO participated in the two meetings of the DPOs' network in 2015, in Luxembourg (June) and Athens, Greece (November).

17. APPEAL PROCEDURES

17.1. Composition of the Board of Appeal of the CPVO

The Board of Appeal of the CPVO is composed of a Chair, an alternate to the Chair and qualified members.

17.1.1. Chair and alternate of the Board of Appeal

Mr Paul van der Kooij's position as Chair of the Board of Appeal was renewed for a term of 5 years by a Council Decision of 4 December 2012 (OJ C 378, 8.12.2012, p. 2). His alternate, Ms Sari Haukka, was appointed by a Council Decision of 12 July 2011 (OJ C 209, 15.7.2011, p. 17). Her mandate runs from 15 October 2011 until 14 October 2016.

17.1.2. Qualified members of the Board of Appeal

In accordance with the procedure prescribed by Article 47(2) of Council Regulation (EC) No 2100/94, the AC of the CPVO, at its meeting of 16 February 2011, adopted the following list of 19 qualified members of the Board of Appeal for a period of 5 years starting on 23 February 2011 (21 members were appointed but two members resigned, on 24 November 2011 and on 12 November 2012).

List of qualified members (23 February 2011-22 February 2016)

- | | |
|------------------------------------|--|
| 1. Cornelis Joost Barendrecht | 11. Michaël Köller |
| 2. Pier Giacomo Bianchi | 12. Miguel Angelo Pinheiro de Carvalho |
| 3. Richard Bianchi | 13. Dirk Reheul |
| 4. Beatrix Boenisch | 14. Kurt Riechenberg |
| 5. Richard Brand | 15. Timothy Wace Roberts |
| 6. Zoltán Csurös | 16. Elizabeth Scott |
| 7. Krieno Adriaan Fikkert | 17. Hanns Ullrich |
| 8. Huibert Cornelis Helmer Ghijsen | 18. Nicolaas Petrus Antonius Van Marrewijk |
| 9. Joël Guiard | 19. Arnold Jan Piet Van Wijk |
| 10. Helen Johnson | |



DUS trials on ornamentals, Germany

17.2. Decisions of the Board of Appeal in 2015

The Board of Appeal took six decisions in 2015.

- On 24 February 2015, in Appeal Case A007/2009 ('Sumost 02'), the Board of Appeal dismissed the appeal and the appellant had to bear the costs of the appeal proceedings.
- On 24 February 2015, in Appeal Case A002/2010 ('Seimora'), the Board of Appeal found the appeal inadmissible and the appellant had to bear the costs of the appeal proceedings.
- On 24 February 2015, in Appeal Case A003/2010 ('Seimora'), the Board of Appeal dismissed the appeal and the appellant had to bear the costs of the appeal proceedings.
- On 24 February 2015, in Appeal Case A002/2014 ('Seimora'), the Board of Appeal dismissed the appeal and the appellant had to bear the costs of the appeal proceedings.
- On 15 December 2015, in Appeal Case A002/2015 ('Hort04'), the Board of Appeal upheld the appeal and annulled CPVO decision R1344 of 9 February 2015. The Board of Appeal instructed the Office to order a third examination period in accordance with the appellant's cultivation guidelines, leaving it to the Bundessortenamt to decide whether the appellant had also to submit new plant material for the purposes of continuing the examination. Finally, the Board of Appeal decided that the costs of the appeal proceedings and the costs of the third examination period had to be borne by the appellant.
- On 15 December 2015, in Appeal Case A001/2015 ('Braeburn 78'), the Board of Appeal dismissed the appeal and the appellant had to bear the costs of the appeal proceedings.

Summaries and complete decisions of the abovementioned cases are available in the CPVO case-law database.

17.3. Further appeals to the Court of Justice in 2015

In accordance with Article 73 of Regulation (EC) No 2100/94, a further appeal to the Court of Justice shall lie from decisions of the Board of Appeal.

17.3.1. New further appeals in 2015

In 2015, four further appeals were lodged with the General Court.

- Case T 140/15 was lodged with the General Court on 23 March 2015 against Decision A010/2013 of 26 November 2014 of the Board of Appeal of the CPVO for 'M02205'.
- Cases T 425/15 and T 426/15 were lodged with the General Court on 29 July 2015 against Decisions A003/210 and A002/2014 of the Board of Appeal of the CPVO for 'Seimora'.
- Case T 428/15 was lodged with the General Court on 30 July 2015 against Decision A007/2009 of the Board of Appeal of the CPVO for 'Sumost 02'.
- Case C 625/15P was lodged with the Court of Justice on 23 November 2015 against Decisions T 91/14 and T 92/14 of 10 September 2015 for 'Gala Schnitzer'.

17.3.2. Rulings of the General Court in 2015

On 10 September 2015, in Cases T 91/14 and T 92/14 for ‘Gala Schnitzer’, the General Court dismissed the actions and ordered Schniga Srl to pay the costs incurred by Brookfield New Zealand Limited and by Elaris SNC and to pay its own costs. The CPVO had to bear its own costs.

Summaries and complete decisions of the abovementioned cases are available in the CPVO case-law database.

17.3.3. Ruling of the Court of Justice in 2015

On 21 May 2015, in Joined Case C 546/12 P for ‘Lemon Symphony’ and ‘Sumost 01’, the Court of Justice dismissed the appeal and ordered Mr Ralf Schröder to pay the costs.

A summary and the complete decision of the abovementioned case is available in the CPVO case-law database.



DUS trials on Vanda, Netherlands

17.3.4. State of affairs of the further appeals lodged with the Court of Justice

Case No before the General Court	Contested decision	Variety denomination	Date of General Court ruling	Date of further appeal to the Court of Justice	Case No before the Court of Justice	Date of Court of Justice ruling
T 95/06	A001/2005	Nadorcott	31.1.2008	N/A	N/A	N/A
T 187/06	A003/2004	Sumcol 01	19.11.2008	29.1.2009	C 38/09 P	15.4.2010
T 187/06 DEP I	Non-payment of recoverable costs of the proceedings T 187/06	Sumcol 01	16.9.2013	N/A	N/A	N/A
N/A	N/A	Sumcol 01	N/A	7.2.2013	C 38/09 P DEP	10.10.2013
T 133/08	A007/2007	Lemon Symphony	18.9.2012	28.11.2012	C 546/12 P	21.5.2015
T 134/08	A006/2007	Lemon Symphony	18.9.2012	28.11.2012	C 546/12 P	21.5.2015
T 135/08	A003/2007 and A004/2007	Gala Schnitzer	13.9.2010	15.11.2010	C 534/10 P	19.12.2012
T 177/08	A005/2007	Sumost 01	18.9.2012	28.11.2012	C 546/12 P	21.5.2015
T 242/09	A010/2007	Lemon Symphony	18.9.2012	28.11.2012	C 546/12 P	21.5.2015
T 367/11	A007/2010	Southern Splendour	21.10.2013	N/A	N/A	N/A
T 91/14	A004/2007	Gala Schnitzer	10.9.2015	23.11.2015	C 625/15 P	Pending
T 92/14	A003/2007	Gala Schnitzer	10.9.2015	23.11.2015	C 625/15 P	Pending
T 767/14	A007/2013	Oksana	Pending			
T 140/15	A010/2013	M02205	Pending			
T 425/15	A003/2010	Seimora	Pending			
T 426/15	A002/2014	Seimora	Pending			
T 428/15	A007/2009	Sumost 02	Pending			

17.4. Community Plant Variety Office case-law 1995-2015



In 2015, the CPVO and Queen Mary University of London joined forces to improve the CPVO's EU PVR case-law database, a database provided by the CPVO to facilitate access to case-law from Member States and deciding bodies on plant PVR issues.

For 1 year, CPVO and Queen Mary University of London worked together to compile and format all plant variety case-law across the EU, with the aim of developing a greater understanding of the national implementation of PVRs, while also fostering a culture of PVR excellence.

As a first common project, and to mark the celebration of 20 years of protecting new plant varieties in the EU, a booklet on the case-law of the Board of Appeal was produced. This booklet is part of increasing efforts by the CPVO to encourage familiarity with the CPVR system and to create awareness of the rules governing the system. The booklet provides an overview of the decisions of its Board of Appeal, as well as decisions on further appeals to the Court of Justice and the General Court.

All the cases mentioned in the booklet, as well as other plant variety-related cases, can be accessed in the case-law database on the website of the CPVO.

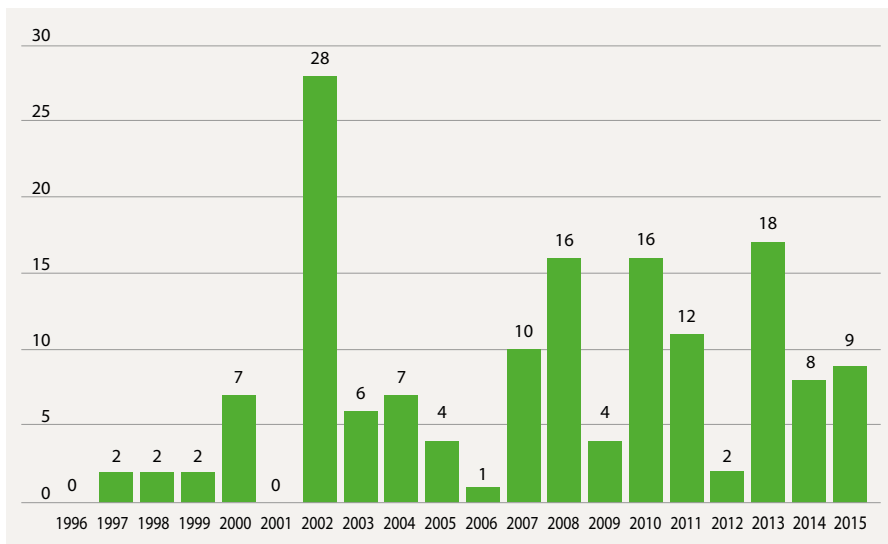
17.5. Appeals received by the CPVO and decisions reached by the Board of Appeal since its inception (statistics)

17.5.1. Number of appeals lodged per year between 1996 and 2015

Some 154 appeals have been lodged with the CPVO since the opening of the Office. These are distributed as shown in Graph 16.

Graph 16

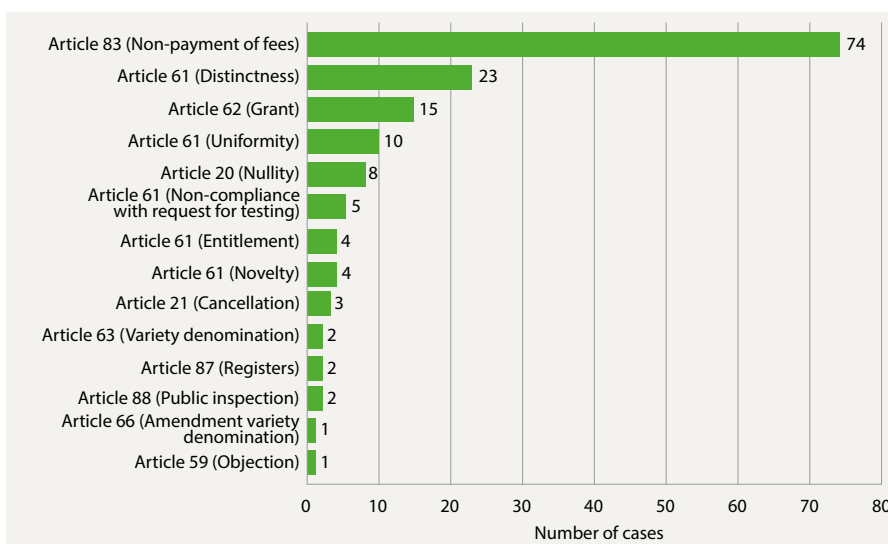
Number of appeal cases lodged per year with the CPVO between 1996 and 2015



17.5.2. Legal basis of the appeals lodged since 1996 (with reference to Council Regulation (EC) No 2100/94)

Graph 17

Legal basis of the appeal cases lodged with the CPVO since 1996

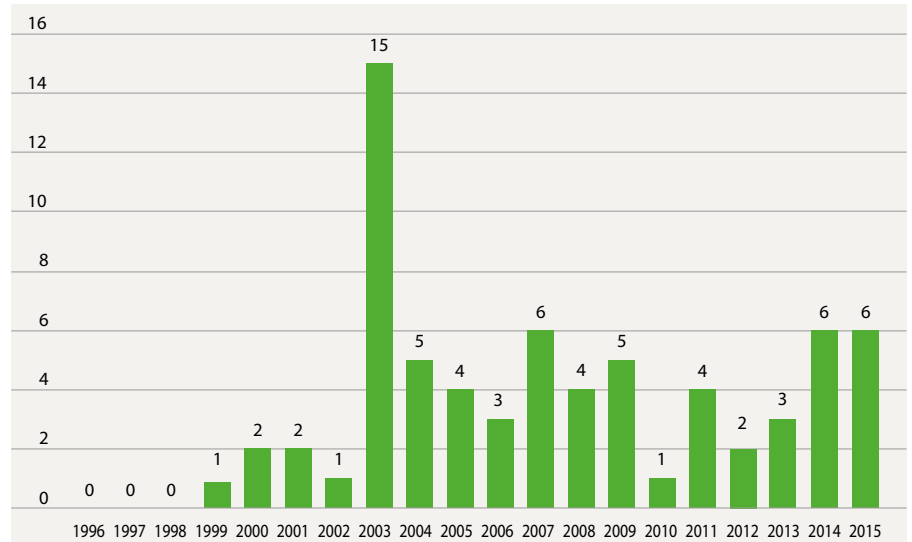


17.5.3. Decisions of the Board of Appeal per year

A total of 70 decisions were taken by the Board of Appeal of the CPVO between 1996 and 2015, distributed as detailed in Graph 18.

Graph 18

Number of decisions reached by the Board of Appeal per year since 1996

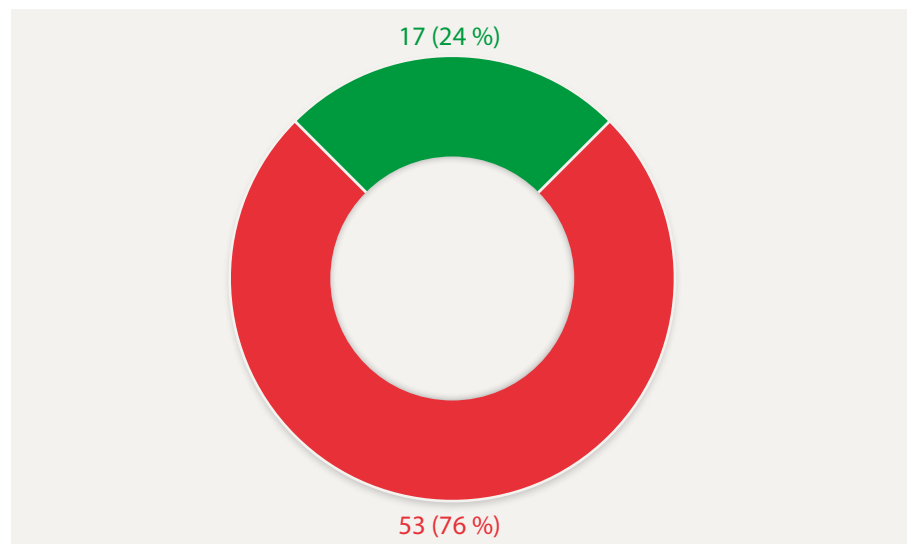


17.5.4. Outcome of the 70 decisions of the Board of Appeal 1996-2015

Graph 19

Share of the total number of decisions of the Board of Appeal (1996-2015)

- Appeals dismissed
- Appeals upheld



The references of the decisions taken by the Board of Appeal are given in the following table.

Year	Appeal case number and date of decision of the Board of Appeal
1999	A002/1998 of 14.9.1999
2000	A001/1999 of 25.1.2000 A002/1999 of 19.5.2000
2001	A002/2000 of 27.3.2001 A004/2000 of 6.12.2001
2002	A005/2000 of 28.5.2002
2003	A005/2002 of 2.4.2003 A001/2002, A002/2002 and A003/2002 of 1.4.2003 A018/2002 of 14.5.2003 A008/2002, A009/2002, A010/2002, A011/2002, A012/2002 and A013/2002 of 15.5.2003 A017/2002 of 3.4.2003 A023/2002 of 8.10.2003 A031/2002 of 8.12.2003 A021/2002 of 9.12.2003
2004	A003/2003 and A004/2003 of 4.6.2004 A005/2003 and A006/2003 of 28.9.2004 A001/2004 of 16.12.2004
2005	A006/2004 of 15.6.2005 A005/2004 of 16.6.2005 A004/2004 of 18.7.2005 A001/2005 of 8.11.2005
2006	A003/2004 of 2.5.2006 A004/2005 of 13.10.2006 A007/2005 of 7.7.2006
2007	A001/2007 of 11.9.2007 A003/2007 and A004/2007 of 21.11.2007 A005/2007, A006/2007 and A007/2007 of 4.12.2007
2008	A011/2007 of 9.9.2008 A009/2008 of 2.12.2008 A001/2008 and A002/2008 of 4.12.2008
2009	A010/2007 of 23.1.2009 A004/2008 and A005/2008 of 21.4.2009 A010/2008 and A011/2008 of 8.10.2009
2010	A018/2008 of 15.3.2010
2011	A001/2010, A005/2010, A006/2010 and A007/2010 of 18.2.2011
2012	A009/2011 of 17.1.2012 A001/2012 of 10.10.2012
2013	A003/2007 and A004/2007 of 20.9.2013 (second decisions for the same cases further to remittal from the Court of Justice) A007/2011 of 23.4.2013
2014	A006/2013 of 13.1.2014 A004/2013 of 4.4.2014 A008/2013 of 1.7.2014 A007/2013 of 2.7.2014 A016/2013 of 11.9.2014 A010/2013 of 26.11.2014
2015	A007/2009 of 24.2.2015 A002/2010 of 24.2.2015 A003/2010 of 24.2.2015 A002/2014 of 24.2.2015 A001/2015 of 15.12.2015 A002/2015 of 15.12.2015

The detailed decisions of the Board of Appeal are available in the CPVO case-law database on the CPVO website.

18. CONFLICTS OF INTEREST

In 2015, the CPVO continued its participation in the Interagency Task Force on Conflicts of Interest organised by the Commission's Directorate-General for Health and Food Safety, with the aim of implementing the Commission's Guidelines on the prevention and management of conflicts of interest in EU decentralised agencies (for members of the management board, executive directors, experts in scientific committees or other similar bodies and members of boards of appeal) of December 2013.

Apart from the decision-making process relating to the core business of the CPVO, i.e. granting IP rights for new plant varieties, there are other decisions and procedures in the CPVO in which impartiality and objectivity are very important, such as employment procedures, public procurement and providing funds for R & D projects. Regarding employment procedures in particular, CPVO staff members are subject to the Staff Regulations, which contain several provisions addressing situations of conflicts of interest. Nevertheless, over the years, procedures, provisions in agreements and declarations of absence of conflicts of interest have been introduced in order to remind the persons concerned about the importance of acting independently, in transparency and with integrity.

Having taken the Commission guidelines into consideration, in 2015 the CPVO updated and collated its internal rules on the prevention and management of conflicts of interest, which have been adopted by the AC.



Apples



Lilies, Netherlands

ACRONYMS AND ABBREVIATIONS

A

AC	Administrative Council of the CPVO
AGES	Österreichische Agentur für Gesundheit und Ernährungssicherheit (AGES) — Austrian Agency for Health and Food Safety (Austria)
ARIPO	African Regional Intellectual Property Organisation

B

basic regulation	Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights
------------------	--

C

Ciopora	International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties
Coboru	Centralny Ośrodek Badania Odmian Roslin Uprawnych — Research Centre for Cultivar Testing (Poland)
CPVO	Community Plant Variety Office
CPVR	Community plant variety right
CRA-FRU	Consiglio per la ricerca in agricoltura e l'analisi dell'economia agraria-Centro di Ricerca per la Frutticoltura — Agricultural Research Council — Fruit Tree Research Unit (Italy)
CRA-SCS	Consiglio per la ricerca in agricoltura e l'analisi dell'economia agraria-Centro di Sperimentazione e Certificazione delle Sementi — Agricultural Research Council — Seed Testing and Certification Unit (Italy)

D

DNA	deoxyribonucleic acid
DUS	distinctness, uniformity and stability

E

EDPS	European Data Protection Supervisor
EO	examination office
EPO	European Patent Office
ESA	European Seed Association
EU	European Union
EVIRA	Elintarviketurvallisuusvirasto — Finnish Food Safety Authority (Finland)

F

fees regulation	Commission Regulation (EC) No 1238/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the CPVO
-----------------	--

G

GEVES	Groupe d'étude et de contrôle des variétés et des semences — Group for the Study and Control of Varieties and Seeds (France)
-------	--

I

Imoddis	ad hoc working group for the integration of molecular data into DUS testing
INIA	Instituto Nacional de Investigación y Tecnología Agraria y Alimentaria— National Research Institute for Agriculture and Food Research and Technology (Spain)
IP	intellectual property
IPRs	intellectual property rights
ISTIS	Institutului de Stat pentru Testarea si Inregistrarea Soiurilor — State Institute for Variety Testing and Registration (Romania)
IT	information technology

K

KAVB	De Koninklijke Algemeene Vereeniging voor Bloembollencultuur — Royal General Bulb Growers' Association (Netherlands)
------	--

L

LWG	ad hoc Legal Working Group on legislative matters
-----	---

N

NÉBIH	Nemzeti Élelmiszerlánc-biztonsági Hivatal — National Food Chain Safety Office (Hungary)
NIAB	National Institute of Agricultural Botany (United Kingdom)

O

OAPI	African Intellectual Property Organisation
OECD	Organisation for Economic Cooperation and Development
OEVV	Spanish Plant Variety Office (Spain)
the Office	the Community Plant Variety Office
OHIM	Office for the Harmonization of the Internal Market (Trade Marks and Designs)
OJ	Official Journal of the European Union

P

Plantum proceedings regulation	Dutch association for the plant reproduction material sector Commission Regulation (EC) No 874/2009 of 17 September 2009 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the CPVO
PVR	plant variety right

Q

QAS Quality Audit Service

R

R & D research and development

S

SASA Science and Advice for Scottish Agriculture (United Kingdom)

T

TWF UPOV Technical Working Party for Fruit Crops

TWV/49 49th annual UPOV Technical Working Party for Vegetables

TLO technical liaison officer

U

UKSUP Ústredný kontrolný a skúšobný ústav poľnohospodársky —
Central Controlling and Testing Institute in Agriculture (Slovakia)

ÚKZÚZ Ústředního kontrolního a zkušebního ústavu zemědělský
— Central Institute for Supervising and Testing in
Agriculture (Czech Republic)

UPOV International Union for the Protection of New Varieties of Plants

W

WIPO World Intellectual Property Organisation

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Community Plant Variety Office

Office communautaire des variétés végétales

Ured Zajednice za zaštitu biljnih sorti

Ufficio comunitario delle varietà vegetali

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