



CPVO

Community Plant Variety Office

Annual report 2017





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1. MESSAGE OF WELCOME FROM MARTIN EKVAD, PRESIDENT OF THE CPVO



Martin Ekvad

In 2017 the Community Plant Variety Office (CPVO) received 3 422 applications which is the second highest number of applications received in 1 year, an increase of 3.7 % compared to 2016. It can be noted that in absolute figures the number of applications for fruits and ornamentals increased while the number of applications for agricultural and vegetable varieties decreased. Also, the number of grants was the second highest ever (2 865) and the number of titles in force was more than 25 900 by the end of 2017. The number of surrenders was exceptionally high in 2017, which is probably due to the fact that the annual fee was increased on 1 January 2017.

The net out-turn in 2017 was positive, and at almost EUR 1.3 million, fully in line with forecasts. This represents a major turnaround as compared to the previous year, which was negative EUR 2 million. The main factor was again the increase in the annual fee to EUR 330. The CPVO has pursued a policy for some years of reducing its free reserve, and this was largely achieved in 2016. The year 2017 saw a return to a stabilisation of the free reserve, which was at a very low level by the end of 2017. We forecast that the free reserve will remain low in 2018.

There was a change in the top management of the CPVO in 2017. The term of the mandate of Carlos Godinho, CPVO Vice-President, ended in March 2017. In July 2017 the Council decided to appoint Francesco Mattina as CPVO Vice-President for a period of 5 years. I would like to thank Carlos for all his contributions to the EU plant variety protection (PVP) system in the last 10 years. I look forward to working with Francesco in his new role and I wish him success in the job.

In October 2017 the CPVO Administrative Council adopted the strategic plan for 2017-2021, in which it is established that the CPVO's mission is to deliver and promote an efficient intellectual property rights (IPRs) system that supports the creation of new plant varieties for the benefit of society. Strategic goals and objectives are identified in the strategic plan. The 2018 work programme and the single programming document 2019-2021 set out the more-detailed objectives and the key performance indicators (KPIs) for the period. In 2017, a project to fully integrate the global CPVO objectives into the career-development reports of all CPVO staff was initiated.

The CPVO continues to make information technology (IT) a priority. In 2017 it was decided to consolidate the IT team with three new colleagues. The recruitments will allow the CPVO to better meet the ever-increasing internal IT needs, as well as the needs of stakeholders. During the year I decided to make it a priority to adapt the CPVO's online application system to be compatible with the International Union for the Protection of New Varieties of Plants (UPOV) Prisma application system. This project was not envisaged as one of the major objectives in the work programme for 2017, but during the year it proved to be necessary to invest many more resources in that project than expected. The two systems should be compatible in early 2018.

A challenge to the EU PVP system in the coming years will be to ensure that technical examinations can be done in an efficient manner, taking into account the ever-increasing

number of reference varieties of common knowledge. Investments need to be made to ensure that new technologies are developed to meet this challenge. IT tools and databases will continue to be key to handle the ever-increasing quantity of relevant data. Developing new technologies and IT tools is expensive. For this reason, in 2017 the CPVO joined a consortium that is making a bid to acquire funds from the EU's Horizon 2020 programme with the aim of improving plant-variety testing in the EU. The decision on whether the bid will be successful is expected in the second half of 2018. To keep up with new techniques in a very specialised business, the CPVO technical unit was also consolidated through the employment of an expert in the field of biochemical and molecular techniques.

The United Kingdom has decided to withdraw from the EU. This means that, unless a ratified withdrawal agreement establishes another date, EU law will cease to apply in the United Kingdom from 30 March 2019. Together with Directorate-General for Health and Food Safety, the CPVO has analysed the effects of Brexit and information on the possible consequences has been published on the CPVO and European Commission websites. In 2017 the CPVO organised an extraordinary new species procedure with the aim of ensuring that test facilities will be available in the remaining 27 EU Member States (MS) for species which have been tested only by the two examination offices (EOs) in the United Kingdom until now. Thanks to very good initiatives and cooperation with EOs the exercise was successful.

In 2017 we built on our cooperation with the European Patent Office (EPO) and the European Union Intellectual Property Office (EUIPO). A public seminar on the interface of the plant variety right (PVR) and patent system was co-organised with the CPVO and the EPO in Brussels.

On 4 October 2017 the CPVO Administrative Council adopted a revised international relations strategy. The CPVO, together with the European Commission services, the Member States and other international organisations, is working outside the EU in an effort to strengthen plant-variety systems. The key elements of this cooperation are exchange of knowledge and support for EU users on registration and enforcement overseas. For EU breeders doing business outside the borders of the European Union, being able to access and secure their intellectual property (IP) rights is a key strategic advantage, particularly for small and medium-sized enterprises (SMEs). On the occasion of the ninth national forum on agricultural IP in Qingdao, China, on 15 November 2017, I signed administrative arrangements (AA) with the two Chinese PVP authorities. The AAs focus on exchange and cooperation in administrative and technical matters in the context of increasing demand for PVP in China. The number of applications that are close to the ones received by the CPVO and the increasing number of botanical taxa covered by the protection system require the creation of additional distinctness, uniformity and stability (DUS) test capacity. Therefore, many of the activities planned under the AAs aim to increase the throughput by enhancing the efficiency and qualifying new DUS centres. EU examination offices (EOs) will be involved in the implementation of this project. The activities under the AAs will be funded by the EU IP Key project and by the Chinese authorities.

An external evaluation of the CPVO communication strategy was finalised and a report delivered in May 2017. Following this report the CPVO will update its policy on external communications and possibly recruit a communications officer.

The details of the projects described above and other activities are provided in this report, which should give an overview of the activities carried out in 2017. The report demonstrates that almost all objectives set out were achieved.

2. FOREWORD BY BISTRA PAVLOVSKA, CHAIR OF THE CPVO ADMINISTRATIVE COUNCIL



Bistra Pavlovska

Welcome to the CPVO annual report for 2017, my first year as chair of the Administrative Council (AC).

I would like to start by thanking Andy Mitchell for all the work he did as chair, from which we all, as members of the AC, benefited immensely. Under his leadership it was always ensured that meetings would be well managed and all matters of interest discussed and concluded. I would also like to take this opportunity to thank Carlos Godinho, whose mandate as CPVO Vice-President ended in March 2017. I would also like to welcome Francesco Mattina as the new CPVO Vice-President for the next 5 years.

The AC has an essential role as a governing board of the CPVO. The meetings of the AC serve as a bridge between the activities at the CPVO and the activities of Member States, the European Commission and the work of observers. Participants in the AC contribute to forming an EU PVP system which is to the benefit of the plant-breeding industry as well as farmers, growers and consumers.

The number of applications continues to be at a very high level and the finances of the CPVO are robust. This shows that the creation of a self-financed agency to implement a well-defined EU policy area is a winning concept.

In the October 2017 meeting we decided (in the AC) to adopt a strategic plan for 2017-2021. The AC also adopted the new strategy on international relations, in which the objectives of the CPVO are aligned with the EU strategy for the protection and enforcement of intellectual property rights in third countries. The CPVO made remarkable efforts to participate in the EU-funded IP Key project, assisting China in the potential process of accession to the UPOV 91 convention, and with the ultimate goal of supporting EU breeders to apply for protection in China. Together with the members of the AC and the CPVO staff it is now my intention to participate in the process to ensure that the objectives of the strategic plan are implemented and fine-tuned if necessary as time goes by.

It is good to see that the cooperation with the EPO and EUIPO is progressing. Following the AC's decision in 2017 to invite EUIPO as an observer to the AC, I look forward to the next AC meeting, at which a EUIPO representative will be present for the first time. In times when the interplay between different systems of IPRs captures the attention of policymakers, the CPVO has taken a proactive approach to fostering dialogue with other key institutions within their respective remits. I will follow the implementation of the strategic plan in this field, encouraging the CPVO to continue joining its efforts in cooperation with other strong IP actors in an environment where innovators have the right incentives and rewards and — at the same time — where society at large can benefit fairly from their work.

I want to finish by saying that the success of the CPVO is founded on highly motivated professionals, and I would like to thank all CPVO staff for all the good work done in 2017.

3. STRATEGIC PLAN 2017-2021



CPVO Strategic Plan
2017-2021



Following a broad consultation of stakeholders, the CPVO presented its strategic plan for the years until 2021. The strategic planning period has now been aligned with the mandate of the president. The plan states the CPVO's mission, vision and strategic goals, along with its organisational values: people, innovation and excellence.

The process of setting out the strategy was launched in 2016, taking into account the lessons learnt from the previous strategic plan and putting a particular emphasis on the current environment the CPVO is facing. The EU's priorities and strategic reference framework as laid out in the Europe 2020 Strategy provide the setting within which the CPVO has a part to play towards a smart, sustainable and inclusive economy. Technological advancements create new opportunities and challenges. For the CPVO this relates to breeding technology, to techniques used in creating and evaluating new varieties and to the way information is gathered, stored and disseminated, and affects every area of its activities. Linkages to the patent system, to food security, to plant genetic-resource management and to international treaties have an impact on the CPVO's field of activities and increasingly require an appropriate strategic response. The general public take an interest in related topics and are receptive to obtaining information on the merits of the PVP implemented by the CPVO.

3.1. Mission

The mission of the CPVO is to deliver and promote an efficient IPR system that supports the creation of new plant varieties for the benefit of society. This mission statement means that the CPVO will implement high-quality, robust and defensible decisions, crucial for the incentive of breeders to create new varieties and ultimately to benefit society as a whole.

3.2. Strategic goals

The CPVO has set out two strategic goals in order to achieve the vision of being a dynamic, people-driven IP organisation, recognised and valued by the global plant-breeding industry and the general public. These goals should also ensure that, as part of a strong IP network, it contributes to a coherent and harmonised legal framework for the benefit of its stakeholders and will be a 'natural choice' for protection of plant varieties.

- Making PVR the natural choice for the protection of IP related to plant varieties.
- An innovative, people-driven organisation, promoting EU values.

The strategic goals serve as the guiding principles when setting up priorities and activities and filter into our concrete objectives.

3.3. Objectives and activities

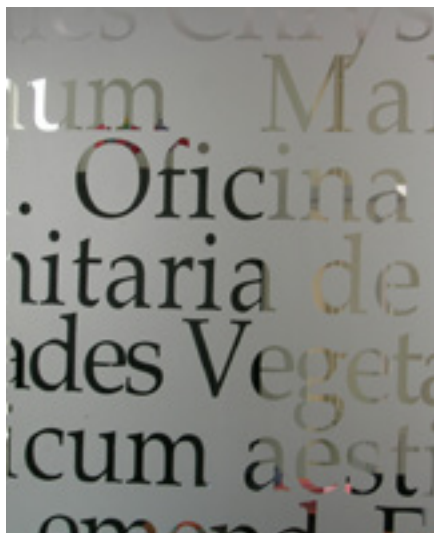
The multiple activities deployed towards achieving the CPVO's vision are covered by four objectives.

- Achieving excellence through people — giving life to our values.
- Supporting breeders with robust and reliable IPRs.
- Make the CPVO strong in a strong IP network.
- Promoting PVR, in the EU and internationally.

3.4. Conclusion

The strategic plan is an essential management tool that is closely linked to annual and multiannual planning. It is therefore also subject to the comprehensive reporting that demonstrates consistency with the CPVO's mission and allows for timely adjustments where needed.

4. THE COMMUNITY PLANT VARIETY RIGHTS SYSTEM



From its foundation and over its 22 years of functioning the CPVO has managed the Community plant variety rights (CPVR) system by granting an IPR for protecting new varieties of plants with unitary effect 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 (BR)). On receipt of an application for a CPVR, the CPVO 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 CPVO arranges for a technical examination to determine DUS, to be carried out by the entrusted EOs in the 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 CPVO 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 CPVO 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 BR 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 BR. Objectors become parties to the application proceedings and are entitled to access relevant documents. Following the grant, a CPVR may be declared null and void ex officio by the CPVO or on the request of a third party on one of the conditions laid down in Article 20 of the BR. A third party seeking annulment of a CPVR must adduce evidence and facts of sufficient substance to raise serious doubts as to the legality of the grant of a CPVR following the examination provided for in Articles 54 and 55 of the BR. A CPVR can also be cancelled under one of the grounds established under Article 21 of the BR.

Except in two specific instances where a direct action against a decision of the CPVO 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 CPVO or refer the case back to the CPVO, 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 graphs 18 and 20 in Section 17 show 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 or penal 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 CPVO. 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

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 CPVO. In particular, it is responsible for examining the president's management report, adopting the CPVO'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 CPVO and issue guidelines on technical examinations, committees of the CPVO and general matters.

The AC met twice in 2017 in Angers, on 14-15 March and 4 October.

At the **14-15 March** meeting the AC gave its (confidential) opinion in respect of the shortlisted candidates for the function of vice-president of the CPVO. It also appointed the reporting officers of the president and of the vice-president for their 2017 evaluation.

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

- The consolidated annual activity report (CAAR) for 2016, providing a complete overview of the CPVO's activities for 2016 and including the analysis and assessment adopted by the AC and the discharge of the president of the CPVO for implementation of the 2015 budget.
- A decision to invite an EUIPO representative as an observer at its meetings.
- The entrustment of the following EOs:
 - (a) Naktuinbouw (Netherlands);
 - (b) Centralny Ośrodek Badań Odmian Roslin Uprawnych/Research centre for cultivar testing (Coboru) (Poland).
- Six new and 13 revised technical protocols (TPs) presented for the following.
 - (New) — CPVO-TP/033/1-*Poa Pratensis* L.,
 - CPVO-TP/080/1-*Glycine max* (L). Merrill,
 - CPVO-TP/178/1-*Raphanus sativus* L. var *oleiformis* Pers.,
 - CPVO-TP/179/1-*Sinapis alba* L.,
 - CPVO-TP/311/1-*Cucurbita maxima* Duch. X *Cucurbita moschata* Duch.,
 - CPVO-TP/313/1-*Lagenaria siceraria*,
 - (Revised)— CPVO-TP/007/2 Rev.2-*Pisum sativum* L.,
 - CPVO-TP/013/5 Rev.2-*Lactuca sativa* L.,
 - CPVO-TP/023/3-*Solanum tuberosum* L.,
 - CPVO-TP/045/2 Rev-*Brassica oleracea* — cauliflower,
 - CPVO-TP/048/3 Rev-*Brassica oleracea* — cabbage,
 - CPVO-TP/054/2 Rev-*Brassica oleracea* — Brussels sprouts,
 - CPVO-TP/055/5 Rev.2-*Spinacea oleracea* L.,
 - CPVO-TP/065/1 Rev-*Brassica oleracea* — kohlrabi,
 - CPVO-TP/076/2 Rev-*Capsicum annuum* L.,
 - CPVO-TP/151/2 Rev-*Brassica oleracea* — broccoli,
 - CPVO-TP/202/2-*Ocimum basilicum* L.,
 - CPVO-TP/212/2-*Petunia* Juss,
 - CPVO-TP/294/1 Rev.2-Tomato rootstocks (partial revision).

- Two model decisions on giving agencies advance agreement to the non-application of the Commission decision on the maximum duration for the recourse to non-permanent staff and regarding implementing rules on setting up a staff committee.
- Opt-outs on five European Commission decisions on middle-management staff, the function of adviser, the implementation of the learning and development strategy of the European Commission, the training of a member of staff on their own initiative and the repealing of existing rules on learning and development.

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

- The CPVO strategic plan for 2017-2021.
- The draft international relations strategy of the CPVO.
- The Quality Audit Service review report for 2016.
- The draft programming document 2018-2020, including the preliminary draft budget for 2018.
- The outcome of the satisfaction survey on AC meetings.
- The report on the second meeting of the Imoddus group, which aims to develop a strategy on how to integrate biochemical and molecular techniques into DUS testing and to propose R & D projects for co-funding by the CPVO.
- The update on the cooperation between the CPVO and the EPO.
- The state of affairs of the ad hoc working group on the revision of the current 'Explanatory notes on variety denominations'.
- The information provided on possible future development of the Variety Finder database.

They furthermore did the following.

- Endorsed, in accordance with Article 36(1) of the BR, a set of five rules detailed in the procedure of analogous growing periods for a DUS test.



Administrative Council meeting, March 2018, Angers, France

- Agreed on the entrustment of the Bundessortenamt (BSA) to carry out DUS technical examination of varieties of *Chamelaucium uncinatum* Schauer and *Chamelaucium uncinatum* Schauer x *Verticordia grandis* J. Drumm. ex Meisn species under fee/cost group 10.
- Agreed on enhancing the use of seconded national experts in order to improve the exchange of professional knowledge between CPVO and national administrations with efficient funding from the CPVO.

At the **4 October** meeting, the members of the AC acknowledged the end of the mandate of the chair, Andy Mitchell (United Kingdom) and they elected their new chair and vice-chair of the AC.

- Bistra Pavlovska (Bulgaria) was appointed chair of the AC for 3 years, starting from 4 October 2017.
- Marien Valstar (Netherlands) was elected vice-chair of the AC for 3 years, starting from 4 October 2017.

They furthermore expressed their (confidential) opinion on the shortlist of candidates for the post of chair of the Board of Appeal.

The members of the AC adopted the following.

- The draft budget for 2018 as proposed by the CPVO.
- The revision of the 2017 budget.
- The strategic plan 2017-2021.
- The single programming document.
- The CPVO international strategy.
- The internal control standard.
- The entrustment of six EOs within the framework of the extraordinary new species procedure, carried out further to Brexit, for 322 botanical taxa.



Chairs of the Administrative Council and President and Vice-President of the CPVO



Administrative Council meeting, March 2018, Angers, France

- The appointment of a new chair of the Audit Advisory Board until the end of 2018.
- The entrustment of the following EOs:
 - (a) Croatian Centre for Agriculture Food and Rural Affairs (Croatia);
 - (b) Coforu (Poland);
 - (c) Ústředný kontrolní a skúšobný ústav poľnohospodársky/Central Controlling and Testing Institute in Agriculture (UKSUP) (Slovakia);
 - (d) BSA (Germany);
 - (e) Central Institute for Supervising and Testing in Agriculture (ÚKZÚZ) (Czech Republic);
 - (f) Agricultural Research Centre (Estonia);
 - (g) Direção-Geral de Alimentação e Veterinária/Portuguese National Authority for Animal Health (DGAV) (Portugal);
 - (h) Executive Agency for Variety Testing, Field Inspection and Seed Control (Bulgaria).
- Five technical protocols presented for:
 - (New) — *Abelia* R. Br. (CPVO-TP/Abelia),
 - *Aglaonema* Schott (CPVO-TP/Aglaonema),
 - *Cordylina* Comm. Ex R. Br. (CPVO-TP/317),
 - *Salvia* L. (CPVO-TP/316),
 - (Revised) — *Freesia* L. (CPVO-TP/27/2).

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

- The president's report and the statistics for 2017.
- The study made by ICF of CPVO external communication activities.
- The report on the potential effects of Brexit on the PVR system given that the CPVO's possible actions would greatly depend on the outcome of the negotiations taking place.
- The ongoing discussion on potential payment of annual fees in advance to answer a request from breeders' organisations.
- The state of affairs of CPVO–EPO and CPVO–EUIPO cooperation.
- The first compulsory licence request received by the CPVO.
- The reports of the Imoddis group and the R & D projects.
- The 2016 internal audit report.

Finally, the AC members took note of the state of affairs of the ad hoc working group jointly organised with the European Commission and composed of EOs, breeders' organisations, Member State representatives, Comité des organisations professionnelles agricoles (Copa)-Comité général de la coopération agricole de l'Union européenne (Cogeca), the International Federation of Organic Agriculture Movements (IFOAM) and the European Consortium for Organic Plant Breeding (ECO-PB) to explore possibilities to develop a unique IT-based contribution system to a database for plant varieties in the EU.

Chair of the Administrative Council

Mr A. Mitchell until 4 October 2017

Ms B. Pavlovska since 4 October 2017

Vice-Chair of the Administrative Council

Ms B. Pavlovska until 4 October 2017

Mr M. Valstar since 4 October 2017

Members of the Administrative Council

Belgium	Mr B. Coene (member) Mr G. Bailleux (alternate)
Bulgaria	Ms B. Pavlovska (member) Mr T. Gadev (alternate)
Czech Republic	Mr D. Jurecka (member) Ms R. Šafáriková (alternate)
Denmark	Ms K. Riskaer (member) Ms K. Bech Klindt (alternate)
Germany	Mr U. von Kröcher (member) Mr H. Freudenstein (alternate)
Estonia	Ms L. Puur (member) (Alternate vacant)
Ireland	Mr D. Coleman (member) Mr D. Cummins (alternate until 20 September 2017) Mr N. Ryan (alternate since 20 September 2017)
Greece	Mr E. Pilatos (member) Ms A. Georgoula (alternate)
Spain	Ms E. Esteban Rodrigo (member) Ms B. Rodriguez Sendon (alternate)
France	Mr A. Tridon (member) Ms A. Chan-Hon-Tong (alternate until 1 September 2017) Ms R. Malot (alternate since 1 September 2017)
Croatia	Mr I. Delic (member) (Alternate vacant)
Italy	Ms I. Pugliese (member) (Alternate vacant)
Cyprus	Mr C. Christou (member) Mr C. Nicolaou (alternate)
Latvia	Ms I. Ovsjanņika (member) (Alternate vacant)
Lithuania	Ms S. Juciuvienė (member) Ms R. Zuikiene (alternate)
Luxembourg	Mr M. Weyland (member) Mr F. Kraus (alternate)
Hungary	Mr Z. Csűrös (member) Mr S. Farkas (alternate until September 2017) Ms K. Mikló (alternate since 14 December 2017)
Malta	Ms M. Delia (member) Mr M. Cardona (alternate)

Members of the Administrative Council	
Netherlands	Mr M. Valstar (member) Mr K. van Ettehoven (alternate until 2 March 2017) Mr B. Scholte (alternate since 2 March 2017)
Austria	Mr P. Zach (member) Mr H. Luftensteiner (alternate until 22 September 2017) Mr K. Mechtler (alternate since 22 September 2017)
Poland	Mr E. Gacek (member) Mr M. Behnke (alternate)
Portugal	Ms A. P. Cruz de Carvalho (member) Ms C. Sà (alternate)
Romania	Mr M. Popescu (member) Ms M. Ciora (alternate)
Slovenia	Ms J. Cvelbar (member) Ms H. Rakovec (alternate)
Slovakia	Ms B. Bátorová (member) Ms L. Gasparova (alternate)
Finland	Ms T. Hietaranta (member) Mr M. Puolimatka (alternate)
Sweden	Mr J. Weibull (member) Ms C. Knorpp (alternate)
United Kingdom	Mr A. Mitchell (member) Mr M. Watts (alternate)
European Commission	Mr L. Miko (member) Ms D. André (alternate)

6. ORGANISATION OF THE CPVO



In December 2017 the CPVO employed 50 persons: 10 officials, 34 temporary agents and six contract agents. Thirteen nationalities from the Member States of the EU were represented.

Under the general direction of its president, assisted by the vice-president, the CPVO is organised internally into three units and a service responsible for the quality auditing of EOs. This service is under the administrative responsibility of the president while being independent in carrying out 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 CPVO'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 according to national listings and national plant breeders' rights (PBR).

The Administration Unit consists of the following four sectors.

- The administrative sector deals with the organisation of the CPVO's publications; the reporting of the CPVO's activities to the European Commission; the coordination of internal and external audits; and the management of evaluations.
- The financial sector deals with the management of financial transactions; treasury management; the maintenance of the budgetary and general accounts; the preparation of budgets and financial documents; and the management of the fees system.
- The information and communications technology (ICT) and database management sector ensures IT application and infrastructure support. Its tasks include the design, development and installation of new programmes specific to the CPVO; the development and maintenance of the CPVO's websites; the installation of standard applications; the maintenance of computer installations and their administration; ensuring the security of the computer system; running the helpdesk; and interinstitutional cooperation in computing.
- The human resources sector deals with the administration and management of the CPVO's human resources in compliance with the 'Staff regulations of officials and the conditions of employment of other servants of the European Union' (the 'staff regulations').

The Legal Unit provides legal advice to the president and other staff members of the CPVO on matters related to the CPVR system and administrative issues. Furthermore, it gives interpretations and opinions and also draws up draft legislation; participates in various CPVO committees, thus ensuring that EU procedures and legislation are complied

with; manages the administration of objections to applications for CPVRs; and provides the secretariat of the CPVO's Board of Appeal. The legal unit is also responsible for public procurement and the administration, management and monitoring of the CPVO's inventory of movable property and buildings, and the administration of logistical and operational resources.

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 2017 the CPVO hosted six trainees who joined the CPVO under the traineeship procedure to allow young university graduates to gain experience for a period of up to 6 months. As of 31 December 2017 three of them were still present. The CPVO also had two interim agents (contract for a limited period) in the Administration Unit and the Register, and two IT external consultants were present in the CPVO (one on a full-time and the other on a half-time basis).



Jorge Alonso
Trainee — Legal Unit



Lucas Flores Dreosti
Trainee — Legal Unit



Leire Garate Inchauspe
Trainee — Legal Unit



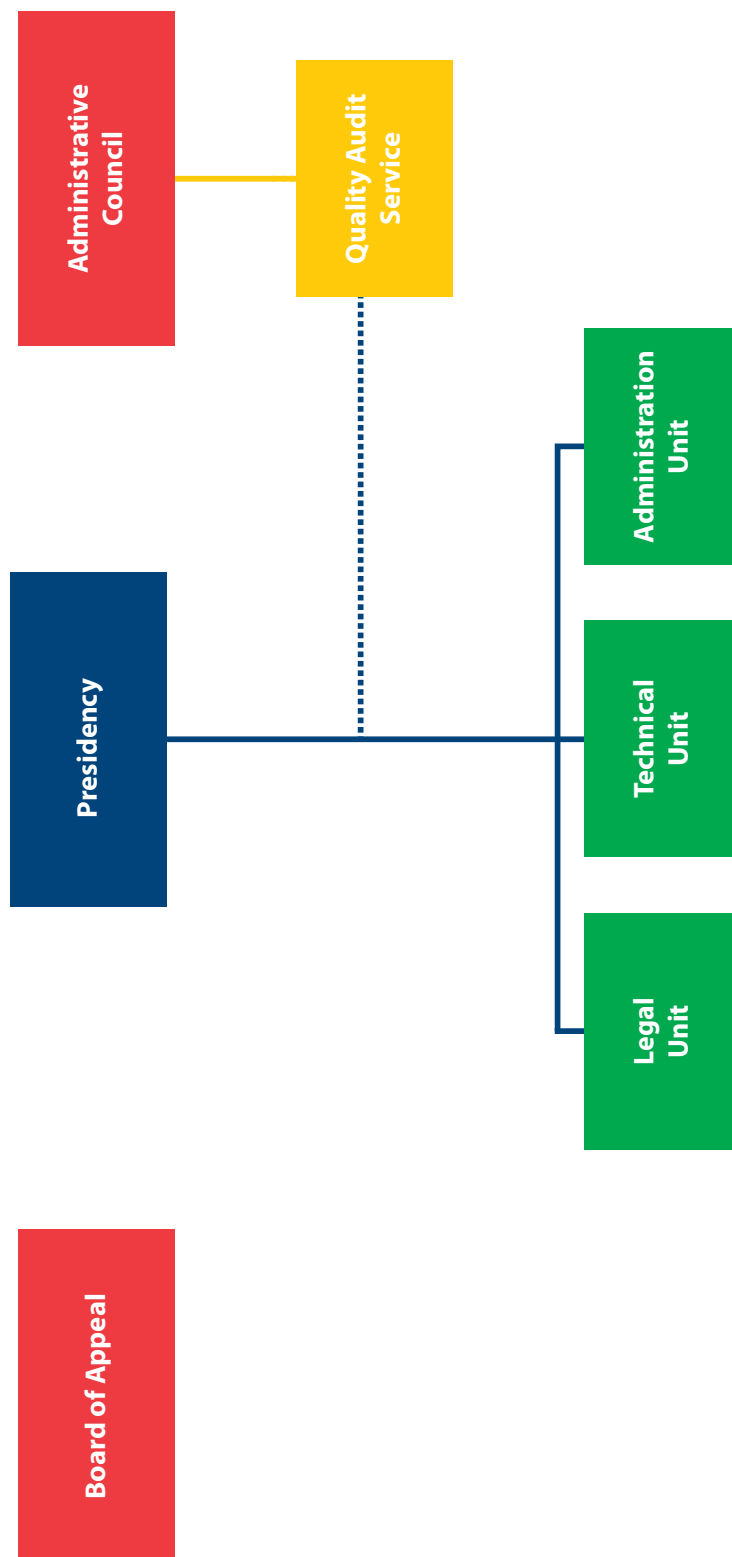
Renaud Chollet
External consultant —
Administration Unit
(ICT sector)



Maël Godard
External consultant —
Administration Unit
(ICT sector)

In 2017 the CPVO prepared a social report with information concerning the turnover, work environment and social aspects of the CPVO. The CPVO's social reports from 2006 to 2017 are available on the CPVO website under the heading 'Annual reports'.

ORGANISATION CHART OF THE CPVO



PRESIDENCY



President
Martin Ekvad



Vice-President
Francesco Mattina



**Assistant to the
presidency**
Cyrille Antoine



**Assistant to the
presidency**
Laurence Dumont



Public relations/training
Fabienne Santoire



**Quality audit team leader/
Data protection officer**
Gerhard Schuon

ADMINISTRATION UNIT (AU)



Head of the AU
James Moran



**Assistant to the head of
the AU**
Béatrice Hodet



**Evaluation/internal
audit & control**
Roseline Fagel



Accounting
Anne-Marie Fernandez
(Head of sector)



Accounting
Patrick Lecoq



Accounting
Paul Sescu



Accounting
Christophe Yakovlev



Accounting
Ekaterina Mantziaris



Human resources
Valérie De Caestecker



Human resources
Deirdre Killeen



Human resources
Anna Verdini



**ICT and database
management**
Marc Rouillard
(Head of sector)



**ICT and database
management**
Sébastien Beugnier



**ICT and database
management**
Petre Kostov



**ICT and database
management**
Yohann Larouelle



**ICT and database
management**
Alexandru Mihai



**ICT and database
management**
Laura Naie

TECHNICAL UNIT (TU)



Head of the TU
Dirk Theobald



Deputy head of the TU
Jean Maisson



Assistant to the head of the TU
Aline Noguères



Agricultural species
Anne Weitz



Biomolecular techniques
Cécile Collonnier



Denominations
Carole Bonneau



Denominations
Rudi Caes



Fruit and ornamental species
Urszula Braun-Mlodecka



Fruit and ornamental species
Jens Wegner



Fruit and vegetable species
Sergio Semon



Ornamental species
Laëtitia Denécheau



Register
Nadège Grantham
(Head of sector)



Register
Pierre-Emmanuel Fouillé



Register
Francesco Saldi



Register
Mathilde Saint-Jean



Technical unit assistant
Ghislaine Guilbert



Technical unit assistant
Francesca Rampazzi



Technical unit assistant
Laurence Theodore

LEGAL UNIT (LU)



Assistant to the LU
Marleen Van de Meulebroeke



Legal affairs
Montserrat Garcia-Moncó



Board of Appeal
Anne Gardener



Procurement and logistics
Véronique Doreau
(Head of sector)



Procurement and logistics
Thierry Cluzeau



Procurement and logistics
Isabelle Lanteri



Procurement and logistics
Gil Oliveira



Procurement and logistics
Manuel Teixeira

NB: The list above comprises the staff of the CPVO employed as officials, temporary and contract agents on 31 December 2017.

7. QUALITY AUDIT SERVICE

The Quality Audit Service 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 species within the EOs' scope of entrustment.

7.1. Assessment of examination offices

A total of 12 assessments carried out in 2017 consisted of nine regular audit visits and three scope-extension audits. Additional scope-extension requests could be integrated in the regular audits. No surveillance audits had been initiated. The assessments were based on the updated version (3.0) of the entrustment requirements that were adopted at the end of 2015. Where necessary, audit observations were effectively addressed by EOs. The entrustment recommendations to the members of the AC were all positive.

7.2. Audit programme

The 2017 assessments were part of the third audit cycle (2016-2018) since the inception of the programme in 2010. The AC adopted an audit fee scheme in 2014 in order to share the audit-related costs evenly between the network of EOs and the CPVO. Concurrent with the triennial audit programme, the fee level is specified for a 3-year period. All entrusted EOs opted for an annual payment of a third of the respective fees. The invoicing is prior to the on-site visiting period. A payment delay in 2017 put the continuous entrustment of an EO at risk; however, a solution could be worked out before the nominal end of the validity of the current entrustment.

The pool of technical experts currently comprises 30 individuals. Eleven technical experts were involved in assessments initiated in 2016.

Interest in the audit programme from outside the Member States has triggered activities for disseminating information and providing training.

Following an internal reorganisation within the CPVO, the role of the audit team leader was assigned to Sergio Semon with effect from the 2018 audits.

**List of technical experts for the Quality Audit Service assessment programme
2015-2018 (status on 31.12.2017)**

First name	Last name	EU Member State	Mandate until end of
Lubomir	Basta	Slovakia	2018
Luigi	Bavaresco	Italy	2018
Henk	Bonthuis	Netherlands	2018
Julia	Borys	Poland	2018
David	Calvache	Spain	2018
Andreja	Cerenak	Slovenia	2018
Alexandra	Chatzigeorgiou	Greece	2018
Anne-Lise	Corbel	France	2018
Henk	de Greef	Netherlands	2018
Miguel	Diaz Morant	Spain	2018
Anabela	dos Santos Rodrigues Rocha	Portugal	2018
Antonio	Escolano	Spain	2018
Zsuzsanna	Füstös	Hungary	2018
Joël	Guiard	France	2018
Marianna	Jakubova	Slovakia	2018
Bogna	Kowalczyk	Poland	2018
Karolina	Lenartowicz	Poland	2018
Clarisse	Leclair	France	2018
Andrea	Menne	Germany	2018
Jesus	Merida	Spain	2018
Hilary	Papworth	United Kingdom	2018
Andrea	Povolna	Czech Republic	2018
Karin	Riemer	Germany	2018
Ivana	Rukavina	Croatia	2018
Erik	Schulte	Germany	2018
Elizabeth	Scott	United Kingdom	2018
Zsolt	Szani	Hungary	2018
Jutta	Taferner-Kriegl	Austria	2018
Swenja	Tams	Germany	2018
Jennifer	Wyatt	United Kingdom	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 CPVO considered five applications in 2017 for (co-)financing of R & D projects. For the first time project proposals emanated from the work of the CPVO–Imoddis group.

In this section, the CPVO provides updated information on candidate projects, about projects underway and follow-up measures taken in 2017 on projects already concluded.

8.1. Situation as regards candidate projects emanating from the work of the CPVO–Imoddis group

Roses

A proposal for 'The development of a harmonised and validated SNP [single-nucleotide polymorphism] marker set for Roses' was discussed by the CPVO ornamental expert group in 2017. The group was of the opinion that the proposal was not yet ripe to be presented to the R & D advisory board at this stage due to the number of open questions remaining. Naktuinbouw, being the coordinator of the project, was invited to contact the project partners before the next ornamental expert meeting in 2018 in order to clarify those questions.

Tomato

A proposal for 'The creation of a joint EU database with DNA data of Tomato' was considered by the CPVO vegetable expert group in September 2017. The expert group gave a positive opinion on the proposal despite the fact that a few final details needed to be clarified before the coordinator, Naktuinbouw, would be able to provide the final proposal to the CPVO. After the expert meeting a number of more substantial comments were made by some of the vegetable experts, delaying the final submission, which is now expected in the course of 2018.

Durum wheat

A project proposal on the 'Integration of molecular data into DUS testing in Durum wheat', after positive advice from the CPVO agricultural expert group, was evaluated positively by the Imoddis experts. The CPVO R & D advisory group also made a positive evaluation so the project was granted co-financing in December 2017. The coordinator is the Austrian EO, Österreichische Agentur für Gesundheit und Ernährungssicherheit/Austrian Agency for Health and Food Safety (AGES).

Apple

The CPVO fruit expert group received an R & D Apple project on epigenetics. Imoddis experts expressed a positive opinion and the project has been submitted to the R & D advisory board for an opinion at the beginning of 2018.

8.2. Situation as regards other candidate projects

‘Setting up of a database with the descriptions and photos of melon varieties of common knowledge. Setting up of a management system of this database that can be used as a blueprint of comparable future databases’

This project was approved in December 2017 and has a duration of 2 years starting from 2018.

The project aims to set up a common database based upon variety descriptions and photos stored within all of the CPVO’s entrusted EOs for melon. Using a sole virtual non-living reference collection in the EU would have the advantage that melon DUS trials could be organised more precisely and the decisions emanating from these would be more robust. If the project is successful then it could serve as a model for other species where there are several entrusted EOs.

The project is coordinated by Naktuinbouw (Netherlands), with the following project partners: Groupe d’Etude et de contrôle des Variétés Et des Semences/Group for the Study and Control of Varieties and Seeds (GEVES) (France); Instituto Nacional de Investigación y Tecnología Agraria y Alimentaria/National Research Institute for Agriculture and Food Research and Technology (INIA)/Oficina Española de Variedades Vegetales/Spanish Plant Variety Office (OEV) (Spain); UKSUP (Slovakia) and DGAV (Portugal).



Tomato



Imoddis working group meeting, January 2017, Paris, France

8.3. Ongoing projects

‘Construction of a European potato database with varieties of common knowledge and its implementation in the potato DUS testing system’ (Potato III)

This project (with a duration of 2 years) was approved at the beginning of March 2016. It is a follow-up of the previous R & D projects: ‘Construction of an integrated microsatellite and key morphological characteristic database of potato varieties in the EU common catalogue’ and ‘Construction of a European potato database as centralised collection of varieties of common knowledge’.

This project is coordinated by the BSA and involves the eight other entrusted EOs for potato: Naktuinbouw (Netherlands), Science and Advice for Scottish Agriculture (SASA) (United Kingdom), Coforu (Poland), OEVS (Spain), Department of Agriculture, Food and the Marine (DAFM) (Ireland), AGES (Austria), ÚKZÚZ (Czech Republic), UKSUP (Slovakia), as well as the CPVO and the European Seed Association (ESA).

The objective of the project is to continue the work on setting up the EU database for potato. The database used will be Gemma, which has to be adapted to suit the requirements requested by the EOs. Subsequently, data need to be entered. The morphological characteristics, molecular data and light sprout pictures to be included have already been agreed. Further details on varieties, administrative data and morphological data still need to be discussed, as well as the different agreements which will govern the running of the database. The EOs will continue to send samples of applications to the labs for molecular profiling. The molecular database will be supplemented with varieties from the EU common catalogue in order to achieve a complete database.

The final report is expected to be delivered in early 2018.

‘Ring tests for strawberry’

This project (with a duration of 4 years) was approved in May 2016. It is coordinated by the CPVO and includes all the CPVO entrusted EOs for the species: BSA (Germany), Coforu (Poland), DGAV (Portugal) and OEVS (Spain), as well as a breeders’ representative — the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (Ciopora).

The outcome of such ring tests would be valuable in order to aggregate comparable descriptions in a common database like Gemma.

A set of eight varieties, widely known in the EU, is grown in a DUS trial design in the premises of the four partners of the project. These varieties will be described and the descriptions will be analysed in the light of the objectives. Partners will meet at EOs in order to monitor and analyse the results.

A common calibration book could be built up. Consequences could be proposals amending the UPOV guideline and the CPVO protocol and changes to the trial design.

The final report is expected to be delivered in 2019.

‘Harmonisation of resistance tests to diseases for DUS testing 3’ (Harmores 3)

This project is composed of two parts with a total duration of 3 years: Part 1 (duration of 1 year) was approved in June 2016; an annual meeting for the project partners took place at the GEVES headquarters (France) in May 2017 and the final report was delivered to the CPVO in November 2017. Part 2 (duration of 2 years) was approved in October 2016 and formally started in November 2017 straight after the finalisation of Part 1 of the project. Both parts had to be slightly modified due to the withdrawal from the project of one of the partners, Palacký University (Czech Republic).

This project, which is a follow-up of a previous project, is coordinated by GEVES (France), with the following project partners: Naktuinbouw (Netherlands), INIA (Spain), Central Institute for Supervising and Testing in Agriculture (Czech Republic), National Food Chain Safety Office (Hungary), CREA (Italy), SASA (United Kingdom), Centre Technique Interprofessionnel des Fruits et Légumes (CTIFL) (France) and the ESA.

The project aims to harmonise the resistance tests in terms of reference material (isolates and varieties), test conditions and notation scales, and to propose new harmonised and robust protocols to the CPVO for subsequent adoption in the technical protocols of the species in question. A focus for the Harmores 3 project is on intermediate resistance, which makes it more challenging than the previous projects, but for which harmonised protocols and reproducible results are of great importance.

The project aims to harmonise, at the European Union level, resistance tests to seven vegetable diseases.

- *Meloidogyne incognita*/tomato.
- *Fusarium oxysporum* f. sp. *lycopersici* Race 0 (ex 1).
- *Fusarium oxysporum* f. sp. *lycopersici* Race 1 (ex 2).
- *Erysiphe pisi*/pea.
- Powdery mildew/melon (*Podosphaera xanthii*).
- *Fusarium oxysporum* f. sp. *melonis* race 1.2/melon.
- *Fusarium oxysporum* f. sp. *melonis* race 2/melon.

Annual meetings for the project partners are planned for in 2018 and 2019, while the final report for Part 2 of the project is expected to be delivered in 2019.

‘Test of the potential use of SNP markers on oilseed rape varieties’

This project was approved in October 2016 and was scheduled for a duration of 1 year. The project aims to examine the potential use of SNP markers as a tool for the management of oilseed rape (*Brassica napus* L.) (OSR) reference collection.

The project is coordinated by GEVES (France), with the following project partners: Animal and Plant Health Agency (APHA), National Institute of Agricultural Botany (NIAB) (United Kingdom), BSA (Germany), Coforu (Poland), Department of Variety Testing (Denmark), INIA (Spain), UKSUP (Slovakia), ÚKZÚZ (Czech Republic) and the ESA.

The objectives are:

- selection and validation of a suitable set of SNP markers from the 1 536 free-access SNPs;
- method optimisation: assess the use of bulk of plants or seeds instead of individual plants.

Before assessing this new type of molecular marker on a large number of varieties, more knowledge and background are needed. It is necessary to know whether these markers can be used easily on partially out-crossing allotetraploid species such as OSR and whether a bulking strategy could be considered for future application.

Two laboratories from France and the United Kingdom are participating in this first step. A set of 500 SNPs are tested on different matrices. Only the most efficient markers will be kept and a bulking strategy is being assessed.

The main objective of the project is to select a reliable marker set as well as an applicable procedure for routine genotyping. By reviewing the results, a protocol to genotype different varieties with marker combinations could be proposed and a project would follow with the aim of combining genotypic and phenotypic data to optimise OSR reference-collection management.

At the end of 2017 the project coordinator requested a short extension in order to finalise the report, which is now expected in early 2018.

8.4. Follow-up of finalised research and development projects

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

This project was approved in November 2015. It focused on the possible effects of the introduction of minimum distances according to the Ciopora position on minimum distance for three vegetative reproduced species: apple (fruit), rose (cut flower and outdoor roses) and Pelargonium (pot plant). The project had a duration of 1 year.

The project is coordinated by Naktuinbouw (Netherlands), with the following project partners: BSA (Germany), GEVES (France), ÚKZÚZ (Czech Republic), NIAB (United Kingdom) and Ciopora.



Strawberry



Oilseed rape

The Ciopora position paper on minimum distance submits the wish to change from the present botanical-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 aimed to test whether it is feasible to apply this approach, and to identify possible problems in doing so. For that purpose Ciopora proposed to re-examine the last 50 CPVO protected varieties on the basis of amended ('mock') protocols for the three species. The amended protocols contained fewer characteristics or fewer states of expression in certain characteristics to be considered than those included in the DUS procedure.

The re-examination was done as a 'paper exercise' by the EOs that originally tested these varieties (BSA, GEVES, NIAB, ÚKZÚZ and Naktuinbouw) in order to study the possible effect of these mock protocols.

The final report of this project was provided to the CPVO in July 2017. The results and the possible consequences are being considered by the CPVO and relevant crop-sector expert groups. The CPVO fruit expert group concluded that a revision of the technical protocol for apples should take place as a follow-up. As regards the ornamental sector, the discussions on the possible consequences of this project are ongoing. The outcome of the project has furthermore been presented to the relevant UPOV technical working parties (TWPs) for ornamentals and fruits.

9. BUDGET

9.1. Out-turn

The budget out-turn for 2017 showed a significant, but forecast increase compared to 2016, mainly due to the rise of the level of the annual fee. A decrease in administrative expenditure also contributed to the increase in the budget out-turn. Operational spending was in line with the high number of examinations carried out.

Net out-turn for the year 2017 (million EUR)	
Budgetary revenue (a)	16.18
Budgetary expenses (b)	14.93
Budgetary out-turn (c) = (a) – (b)	1.25
Non-budgetary receipts (d)	0.12
Net out-turn for the budgetary year 2017 (e) = (c) + (d)	1.37

The net out-turn for the year was slightly under EUR 1.37 million positive, compared to EUR 2 million negative for the previous year.

9.2. Revenue

The CPVO's revenue mainly comprises various fees paid by applicants for and holders of CPVRs, and income from interest on bank accounts. The total revenue collected in 2017 was EUR 16.18 million.

	Variation (%)	2017 (million EUR)	2016 (million EUR)
Fees	+ 20.55	15.99	13.26
Bank interest	– 35.12	0.06	0.10
Other revenue	+ 32.47	0.13	0.10
Total revenue	+ 4.19	16.18	13.46

The total fees received in 2017 amounted to EUR 15.99 million, representing an increase of 20.55 % in comparison with the previous year. Due to the rise in the level of the annual fee (EUR 330 in 2017 and EUR 250 for 2016), income from annual fees increased compared to past years, with a slightly higher number of titles in force.

9.3. Expenditure

In 2017 the total amount of recorded expenditure and commitments carried over was EUR 14.93 million, compared with EUR 15.59 million in 2016.

	Variation (%)	2017 (million EUR)	2016 (million EUR)
Staff expenditure	+ 2.96	6.55	6.36
Administrative expenditure	– 30.29	1.38	1.99
Operational expenditure	– 3.32	7.00	7.24
Total expenditure	– 4.19	14.93	15.59

The salary grid for the staff of the CPVO, 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.

Decreases in administrative expenditure are mainly due to lower spending on building as the renovation work is over.

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 is increasing accordingly.

9.4. Conclusion

The net result in 2017 is significantly higher than in the previous year. This increase was planned for, and it is expected that in 2018 the CPVO budget will remain positive, but at a lower level than in 2017.

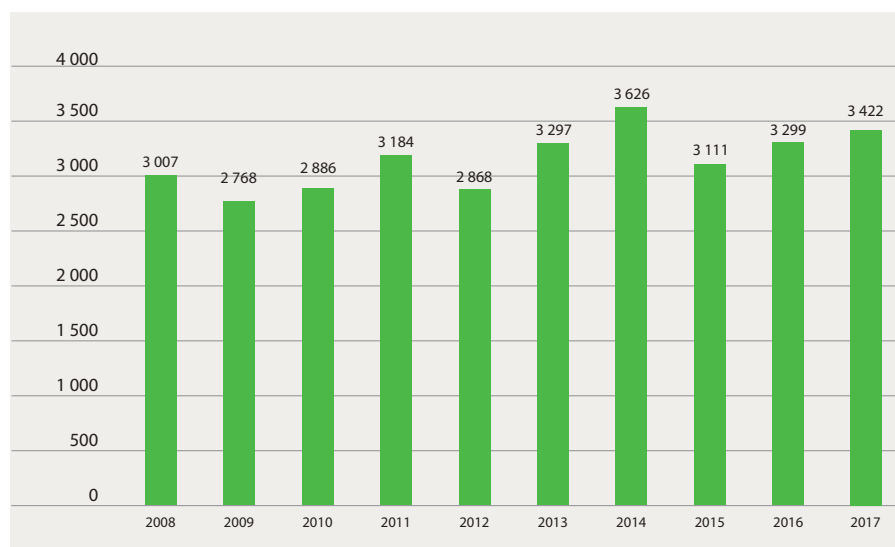
10. TECHNICAL DEVELOPMENTS IN THE SYSTEM

10.1. Applications for Community plant variety protection

In 2017 the CPVO received 3 422 applications for Community PVP, which represents an increase of 3.7 % compared to the previous year. Graph 1 shows the evolution of the number of applications received by the CPVO (all figures are based on the date of arrival of the application documents at the CPVO). This is the second highest number ever. During the first 10 years the CPVO observed a growing number of applications each year (figures not shown). Since then, the application numbers seem to have stabilised; the annual changes are probably not to be understood as a trend but rather as chance fluctuations.

Graph 1

Evolution of the annual number of applications for Community plant variety protection (2008-2017)

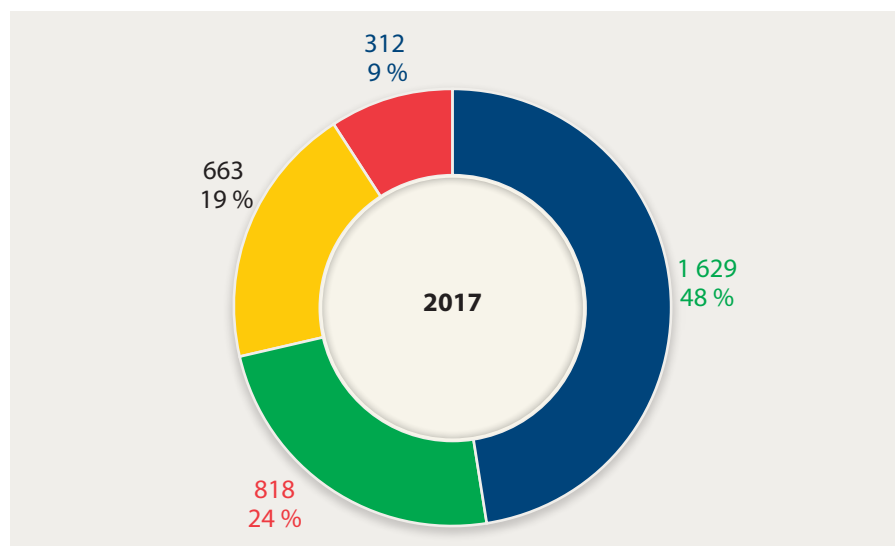


Graph 2 represents the shares of the crop sectors in relation to the number of applications received in 2017.

Graph 2

Shares of application numbers per crop sector in 2017

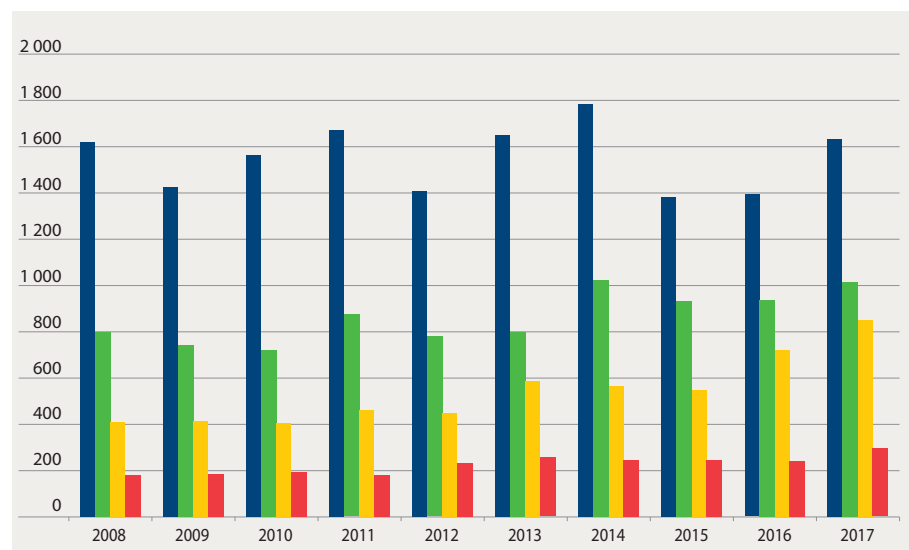
- Ornamental
- Agricultural
- Vegetable
- Fruit



Graph 3 shows the evolution of the number of applications per crop sector since 2008. Despite the fact that the total number of applications shows only minor variations from year to year, the variation within the four crop sectors may be more important. In 2017 the CPVO observed a particularly sharp increase in application numbers in the fruit sector, with + 69 applications (28.4 %), and in the ornamental sector, with + 233 applications (+ 16.7 %). The other sectors showed a corresponding decrease: agricultural crops – 121 applications (– 12.9 %), and the vegetable sector – 58 applications (– 8.0 %).

Graph 3
Evolution of application numbers
per crop sector (2008-2017)

■ Ornamental
■ Agricultural
■ Vegetable
■ Fruit



In 2017, 654 applicants filed applications for CPVRs, 14 fewer than in 2016. 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 2017. These top 15 applicants have a relative share of applications ranging, similar to last year, from 90.20 % for vegetables, 59.05 % for agricultural and 46.15 % for fruit species, to as little as 38.27 % 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. The figures do not take into account possible controlling agreements between companies; the actual level of concentration may thus be higher.

Agricultural sector

Top 15 applicants	Country	Number of applications in 2017
RAGT 2n SAS	France	59
Syngenta Participations AG	Switzerland	52
Pioneer Overseas Corporation	United States	50
KWS Saat SE	Germany	49
Monsanto Technology LLC	United States	47
Limagrain Europe SA	France	37
KWS Momont Recherche SARL	France	30
Euralis Semences SAS	France	30
Caussade Semences SA	France	22
DLF Seeds A/S	Denmark	19
Deutsche Saatveredelung AG	Germany	19
Pioneer Hi-Bred International Inc.	United States	19
KWS Lochow GmbH	Germany	18
Maisadour Semences SA	France	16
Norddeutsche Pflanzenzucht Hans-Georg Lembke KG	Germany	16
Total		483

Vegetable sector

Top 15 applicants	Country	Number of applications in 2017
Monsanto Vegetable IP Management BV	Netherlands	127
Enza Zaden Beheer BV	Netherlands	106
Rijk Zwaan Zaadteelt en Zaadhandel BV	Netherlands	82
Nunhems BV	Netherlands	70
Syngenta Participations AG	Switzerland	60
Vilmorin SA	France	45
HM.Clause SA	France	32
Bejo Zaden BV	Netherlands	27
Sakata Vegetables Europe SAS	France	12
HILD Samen GmbH	Germany	9
Semillas Fitó SA	Spain	6
Hazera Seeds BV	Netherlands	6
Kaneko Seeds Co. Ltd	Japan	6
Instituto Tecnológico Agrario de Castilla y León (ITACYL)	Spain	5
Soil and Fertiliser Research Institute of Sichuan Academy of Agricultural Sciences	China	5
Total		598

Fruit sector

Top 15 applicants	Country	Number of applications in 2017
PSB Producción Vegetal SL	Spain	23
Driscoll's Inc.	United States	17
Agro Selections Fruits SAS	France	16
CREA	Italy	14
The state of Israël — Ministry of agriculture and rural development — agricultural research organisation (ARO)	Israel	12
Visser's America BV	Netherlands	8
Institut National de la Recherche Agronomique (INRA)	France	7
Institute of Experimental Botany AS CR vvi	Czech Republic	7
AC Fruit SAS	France	7
Plantas de Navarra SA (Planasa) — Sociedad Unipersonal	Spain	6
Angus soft fruits Ltd	United Kingdom	6
Allberry BV	Netherlands	6
Plant Sciences Inc.	United States	5
University of Saskatchewan	Canada	5
Cornell University	United States	5
Total		144

Ornamental sector

Top 15 applicants	Country	Number of applications in 2017
Dümmen Group BV	Netherlands	138
Anthura BV	Netherlands	107
Paraty BVBA	Belgium	48
Nils Klemm	Germany	43
Syngenta Participations AG	Switzerland	39
Piet Schreurs Holding BV	Netherlands	31
Ball Horticultural Company	United States	29
Poulsen Roser A/S	Denmark	28
Deliflor Royalties BV	Netherlands	27
De Ruiter Intellectual Property BV	Netherlands	24
Danziger 'DAN' flower farm	Israel	23
Barberet & Blanc SA	Spain	23
Sakata Seed Corporation	Japan	22
Floréac NV	Belgium	21
Van Zanten Plants BV	Netherlands	20
Total		623

Applicants from outside the EU must appoint a representative with a registered office or domicile within 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 2017, 1 409 applications (41.17 %) were filed by 156 procedural representatives. The following table lists the 15 most active procedural representatives for 2017, having submitted 839 applications in total (in 2016, 885 applications were submitted by the 15 most active procedural representatives).

Name of procedural representative	Country	Number of applications in 2017
Royalty Administration International CV	Netherlands	261
Syngenta Seeds BV	Netherlands	101
Hortis Holland BV	Netherlands	78
Pioneer Génétique SARL	France	53
Plantipp BV	Netherlands	42
Ronald Houtman Sortimentsadvies	Netherlands	42
Deutsche Saatgutgesellschaft mbH Berlin	Germany	41
Monsanto SAS	France	33
Hans-Gerd Seifert	Germany	31
Van Zanten Breeding BV	Netherlands	30
WürtenbergerKunze	Germany	28
Syngenta France SAS	France	26
Limagrain Nederland BV	Netherlands	25
Società Italiana Brevetti SpA	Italy	24
Syngenta UK Ltd	United Kingdom	24
Total		839

10.1.1. Ornamental species

With 47.57 % of the applications received in 2017, ornamentals continue to represent the largest group of applications filed for CPVRs. In 2017 there were 232 more applications received than in the previous year, bringing the total number of applications for ornamentals back to the level of previous years.

A particularity of ornamentals is the great diversity of species. In all years, one observes for many of them a rather low number of applications per species.

Table 1: Number of applications received per year for all ornamental species since 2013, with a total covering 1995-2017

	2013	2014	2015	2016	2017	Total (1995-2017)
All ornamental species	1 654	1 787	1 383	1 396	1 629	34 019

Table 2 shows the 10 most important ornamental crops over the last 5 years (importance is always used in this text in terms of the number of applications received). 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 2017. After 2 poor years, application numbers for *Phalaenopsis* varieties were on the rise again. In the longer run, one may reckon that *Phalaenopsis* will rise in ranking and that *Hydrangea* varieties may make it into the top 10 list.

Table 2: Number of applications for the 10 most important ornamental species groups from 2013 to 2017, with a total covering 1995-2017

Species	2013	2014	2015	2016	2017	Total (1995-2017)
<i>Rosa</i> L.	231	181	161	185	169	4 211
<i>Chrysanthemum</i> L.	120	167	100	117	148	3 484
<i>Pelargonium</i> L'Hér. Ex Aiton	58	32	51	43	33	1 577
<i>Calibrachoa</i> Llave & Lex. and <i>Petunia</i> Juss.	48	89	78	50	102	1 423
<i>Lilium</i> L.	68	86	58	50	36	1 265
<i>Phalaenopsis</i> Blume and <i>xDoritaenopsis</i> hort.	110	113	44	51	134	1 111
<i>Gerbera</i> L.	47	48	39	30	30	1 096
<i>Dianthus</i> L.	39	40	26	35	60	980
<i>Impatiens</i> L. and <i>Impatiens</i> hybrids	8	12	19	10	12	966
<i>Anthurium</i> Schott	46	49	34	30	25	794
Total	775	817	610	601	749	



Lilium



DUS trials on calibrachoa

The CPVO may base its decision to grant CPVRs on a technical examination carried out under a previous application for either PBR 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.

10.1.2. Agricultural species

The year 2017 showed a decrease of 12.89 % in the number of applications in comparison with 2016. In 2017 agricultural varieties represented 23.90 % of all applications. The number of applications received for 2017 (818) is, however the sixth highest ever received in that sector.

Table 3 shows the number of applications received per year over all agricultural species since 2013, as well as the total figure for the years 1995-2017.

Table 3: Number of applications received per year for all agricultural species since 2013, with a total covering 1995-2017

	2013	2014	2015	2016	2017	Total (1995-2017)
All agricultural species	800	1 026	933	939	818	15 106

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 2013 to 2017, with a total covering 1995-2017

Species	2013	2014	2015	2016	2017	Total (1995-2017)
<i>Zea mays</i> L.	147	333	299	201	179	4 521
<i>Triticum aestivum</i> L. emend. Fiori et Paol.	129	139	113	153	124	1 872
<i>Solanum tuberosum</i> L.	77	72	59	79	71	1 581
<i>Brassica napus</i> L. emend. Metzg.	82	115	127	126	94	1 457
<i>Hordeum vulgare</i> L. sensu lato	85	73	78	69	72	1 273
<i>Helianthus annuus</i> L.	67	82	61	86	53	1 010
<i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>altissima</i> Döll	22	18	17	21	9	345
<i>Lolium perenne</i> L.	43	18	18	14	20	339
<i>Triticum durum</i> Desf.	15	23	7	26	16	317
<i>Pisum sativum</i> L.	9	15	8	12	11	282
Total	676	888	787	787	649	



DUS trials on linen (flax)



Maize

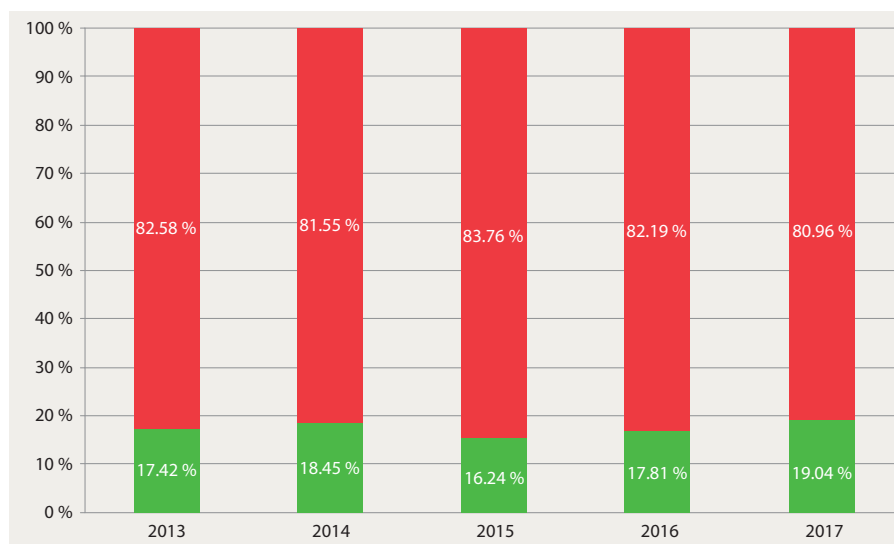
In the agricultural sector these 10 species represent about 86 % of all applications. As in previous years, maize is the most important species in the agricultural sector, whereas the number of applications for wheat is going back to normal and the number of applications for sunflower is decreasing. The most significant decrease can be observed in applications for sugar beet components.

Since for many applications a DUS report is already available (or the DUS test is ongoing) the CPVO, in accordance with Article 27 of the proceedings regulation, can take over the DUS report from entrusted EOs if it constitutes a sufficient basis for a decision. In 2017 this concerned about 81 % of all agricultural applications. If this is not the case, the CPVO organises a technical examination to be carried out by an entrusted EO (see Graph 4). The relationship between takeover and technical examination is very stable over the years. In most cases, the subject matter for technical examinations on behalf of the CPVO is parental lines of hybrid varieties.

Graph 4

Evolution of the percentage of the ratio of technical examinations to takeovers of DUS reports in the agricultural sector (2013-2017)

■ Technical examinations
■ Takeovers



10.1.3. Vegetable species

The year 2017 showed a decrease of 8.04 % in the number of applications in comparison with the previous year. In spite of this drop the figure for 2017 was the second highest ever, with over a hundred more applications than in 2015. Vegetable varieties represented 19.37 % of all applications in 2017, which means that the percentage share of this sector amongst all CPVR applications has increased over time compared to the 12 % share it had a decade earlier. The distribution of applications in vegetable species in recent years is displayed below.

Table 5: Number of applications received per year for all vegetable species since 2013, with a total covering 1995-2017

	2013	2014	2015	2016	2017	Total (1995-2017)
All vegetable species	587	564	547	721	663	8 435

Table 6: Number of applications of the 10 most important vegetable species from 2013 to 2017, with a total covering 1995-2017

Species	2013	2014	2015	2016	2017	Total (1995-2017)
<i>Lactuca sativa</i> L.	135	132	141	192	183	2 266
<i>Solanum lycopersicum</i> L.	131	128	134	127	161	1 230
<i>Capsicum annuum</i> L.	48	36	49	65	47	527
<i>Phaseolus vulgaris</i> L.	10	18	8	13	11	481
<i>Cucumis melo</i> L.	41	48	42	80	46	438
<i>Pisum sativum</i> L.	24	19	20	13	16	434
<i>Cucumis sativus</i> L.	44	30	28	45	32	377
<i>Brassica oleracea</i> L. convar. botrytis (L.) Alef. var botrytis	17	7	3	5	1	228
<i>Cichorium endivia</i> L.	11	11	10	10	8	188
<i>Allium cepa</i> (Cepa group)	17	7	10	25	8	185
Total	478	436	445	575	513	

The probable main reason as to why there has been an upsurge in CPVR vegetable applications in recent years is that vegetable breeders are now increasingly seeking dual listing/protection for many varieties. In the past, for the majority of commercial varieties, breeders would have applied for national listing only, with subsequent entry in the EU common catalogue. Nowadays we can see that there is a more systematic and pragmatic approach by vegetable breeders, with a national listing/national PBR application made initially, and shortly afterwards an application being filed at the CPVO for the same variety. Under such instances the CPVO is expected to be able to take over the technical report for the candidate variety from the national EO. For vegetable applications received in 2017 the CPVO requested that 191 technical examinations be carried out on its behalf and



DUS trials on radish



DUS trials on lettuce

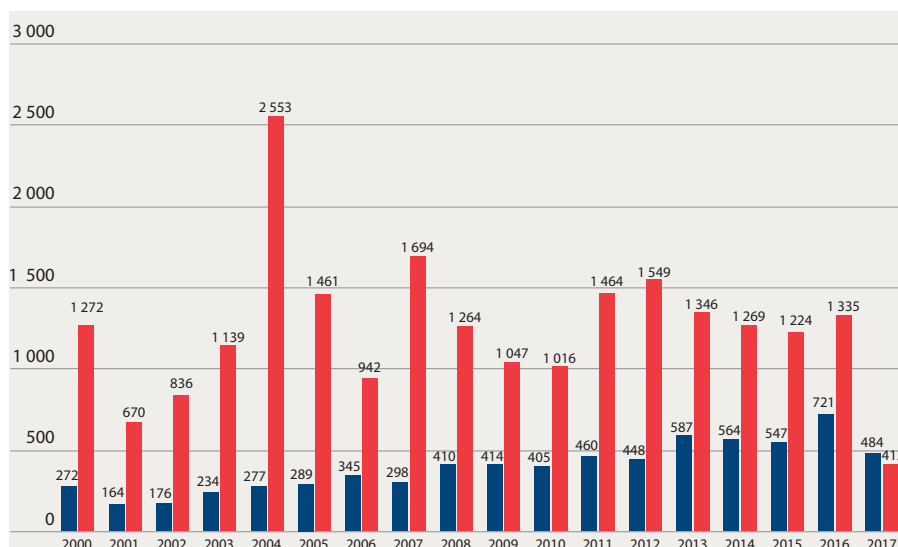
that it take over 472 technical reports from national authorities. It is interesting to note that the majority of requests for technical examinations are for parent-line varieties (114); normally these will never be commercialised so do not require national listing. In contrast, the CPVO requested that it take over only seven technical reports for parent-line varieties. This demonstrates the faith that vegetable breeders have in the efficiency of the CPVR system, where they come and apply directly to the CPVO for those varieties which do not have to go through a national listing procedure.

The chart below demonstrates that the proportion of commercial vegetable varieties entering the EU common catalogue (which also form the basis of an application for CPVR) is continually on the increase. A decade ago, approximately one quarter of entries in the common catalogue were also the subject of CPVO protection, whereas in 2016 (the last full year in which figures are available for the common catalogue) this proportion was more than 50 %. Hopefully this evolutionary trend will continue into the future, so that one day most, if not all, common catalogue vegetable varieties will also be CPVR protected.

Graph 5

Number of annual vegetable varieties in CPVO vs common catalogue (2000-2017)

■ Number of CPVO vegetable applications
■ Number of vegetable entries in Common Catalogue

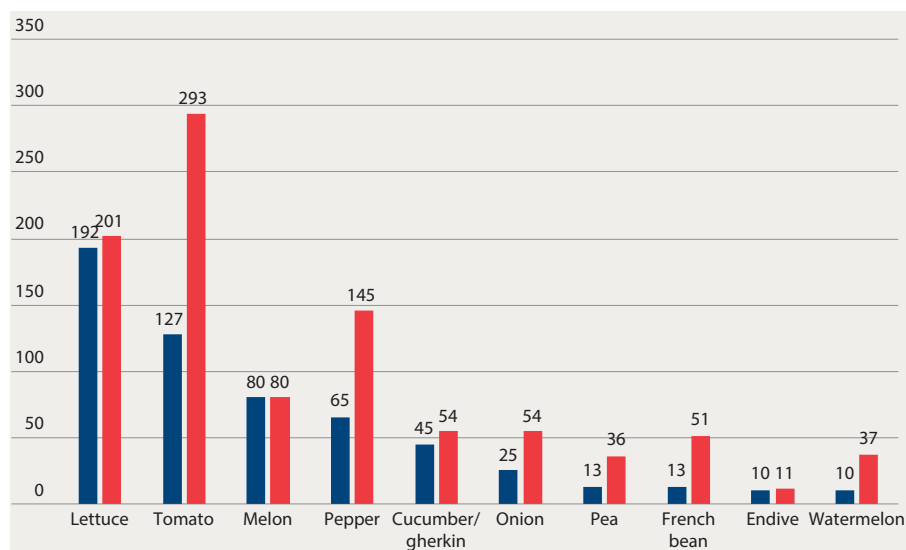


Even more enlightening is the percentage coverage of common catalogue entries by CPVO applications according to species. The graph below shows that in self-pollinated species such as lettuce, where varieties can be multiplied easily, almost all commercial varieties are also the subject of CPVO protection. Even in species like melon, where new commercial varieties entering the common catalogue are solely hybrids and thus have an 'inbuilt biological protection', the figures demonstrate the value that breeders place in having them protected by an efficient IPR (CPVR).

Graph 6

Top 10 CPVO vegetable species applications in 2017 compared to common catalogue entries in 2017 for the same species

■ CPVO applications
■ Common Catalogue entries



The end of the year 2017 also brought to a close the bilateral scientific trials between Naktuinbouw and GEVES, under the auspices of the CPVO, to try and decide the taxonomic differentiation between onions and shallots based upon characteristics 10, 11 and 27 in the CPVO technical protocol TP/46/2 for *Allium cepa*. These EOs have worked in close collaboration these last few years, with a precise methodology using three replicates and statistical analysis to try and set a borderline between onions and shallots based upon the number of growing points per kilogram. The CPVO will analyse the results of the trials at the beginning of 2018 together with GEVES and Naktuinbouw to see whether a consensual agreement can be reached on the matter; if so, this will be reported to the European Commission and the relevant stakeholders during the course of 2018.

10.1.4. Fruit species

The number of fruit CPVR applications in 2017 remained at a high level. With 69 applications more than in 2016, it was the best year in the sector. Although the top three species in 2017 remained peach, strawberry and apple, the largest increase in the number of applications was noted for so-called small-fruit crops: blueberry, raspberry, blackberry, etc.

Table 7: Number of applications received per year for all fruit species since 2013, with a total covering 1995-2017

	2013	2014	2015	2016	2017	Total (1995-2017)
All fruit species	256	249	248	243	312	3 953

Table 8: Number of applications of the 10 most important fruit species from 2013 to 2017, with a total covering 1995-2017

Species	2013	2014	2015	2016	2017	Total (1995-2017)
<i>Prunus persica</i> (L.) Batsch	43	71	45	48	52	941
<i>Fragaria x ananassa</i> Duchesne ex Rozier	39	44	35	26	44	605
<i>Malus domestica</i> Borkh.	15	27	19	42	36	523
<i>Prunus armeniaca</i> L.	11	18	17	24	16	296
<i>Vitis</i> L.	34	10	24	16	34	255
<i>Rubus idaeus</i> L.	13	13	11	13	27	190
<i>Vaccinium</i> L.	19	20	13	10	22	166
<i>Prunus salicina</i> Lindl.	8	4	10	7	7	127
<i>Prunus avium</i> (L.) L.	4	1	9	4	6	116
<i>Pyrus communis</i> L.	6	5	2	2	5	80
Total	192	213	185	192	249	



DUS trials on apple



Apricot

In 2017 the discussions with experts and breeders focused on: phytosanitary issues, organisation of apple testing, assessment of uniformity, progress in R & D projects and the experience of EOs as regards the implementation of Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production.

The R & D project 'ring test for strawberries' continued in 2017. The participants in the project (Ciopora, BSA, Coboru, DGAV and OEVV) met twice in the course of 2017: in March in Huelva (Spain) and in May in Lisbon (Portugal). The partners investigated the possibilities of harmonisation of the DUS testing, updating example varieties and the check of suitability of some characteristics proposed to be added to the technical protocol. Two further meetings (in Poland and Germany) are scheduled in June 2018.

10.1.5. Origin of the applications

Since the creation of the CPVO applications have been received from 68 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 2017 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 2017.

Table 9: Member States from which CPVR applications were filed in 2017

Member State of main applicant	Number of applications received in 2017
Netherlands	1 352
France	449
Germany	328
Denmark	139
Belgium	118
Spain	116
Italy	106
United Kingdom	63
Czech Republic	20
Hungary	19
Austria	17
Poland	11
Sweden	10
Greece	5
Ireland	3
Luxembourg	3
Slovenia	2
Finland	2
Total	2 763

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

Table 10: Non-EU countries from which CPVR applications were filed in 2017

Country of main applicant	Number of applications received in 2017
United States	265
Switzerland	149
Japan	78
Israel	45
Australia	33
Serbia	13
Taiwan	12
Canada	11
Colombia	10
Thailand	10
China	7
New Zealand	6
South Africa	6
Chile	3
South Korea	3
Costa Rica	2
Sri Lanka	2
Indonesia	1
Moldova	1
Norway	1
Russia	1
Total	659



Rosa



DUS trials on potato

10.2. Grants of protection

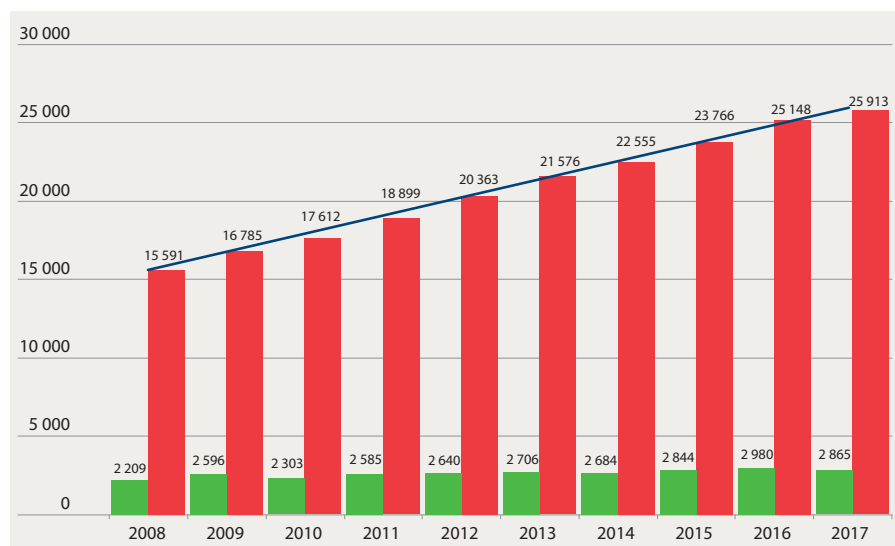
In 2017 the CPVO granted 2 865 titles for Community protection, which represents the second highest number ever granted by the CPVO within a calendar year, even though the year-to-year differences are rather small. And, as the number of applications seems to be stabilising, one may predict stable numbers for grants issued. A detailed list of all varieties under protection (as of 31 December 2017) is published on the CPVO website in the separate annex to this report.

By the end of 2017 there were 25 913 CPVRs in force. Graph 7 shows the number of titles granted for each year from 2008 to 2017 and illustrates the continuous increase in the number of varieties under protection within the Community system, which is due to the fact that number of rights terminated is still below the number of rights granted; in the longer run, equilibrium can be expected.

Graph 7

CPVRs granted and rights remaining in force at the end of each year from those granted per year (2008-2017)

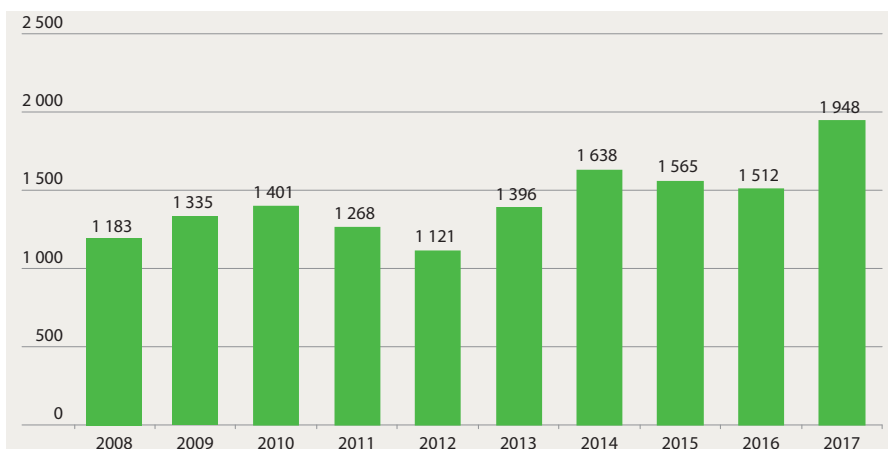
- Titles granted
- Rights in force at the end of each year
- Linear trend (rights in force at the end of each year)



The development of the number of CPVRs in force must be seen in conjunction with the number of rights surrendered (Graph 8). 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 grants. 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 8

Number of surrenders of CPVRs
(2008-2017)



Graph 9 shows the number of rights granted in the years 1997-2017 and those still in force on 31 December 2017. 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.

At the end of 2017, of the 47 638 rights granted in total, 25 913 (54.40 %) 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 a recent boom in plant breeding.

Graph 9

Number of rights granted each
year from 1997 to 2017 and
those remaining in force on
31 December 2017 from those
granted per year (every other year
shown)

■ Number of rights granted
■ Number of rights remaining in force

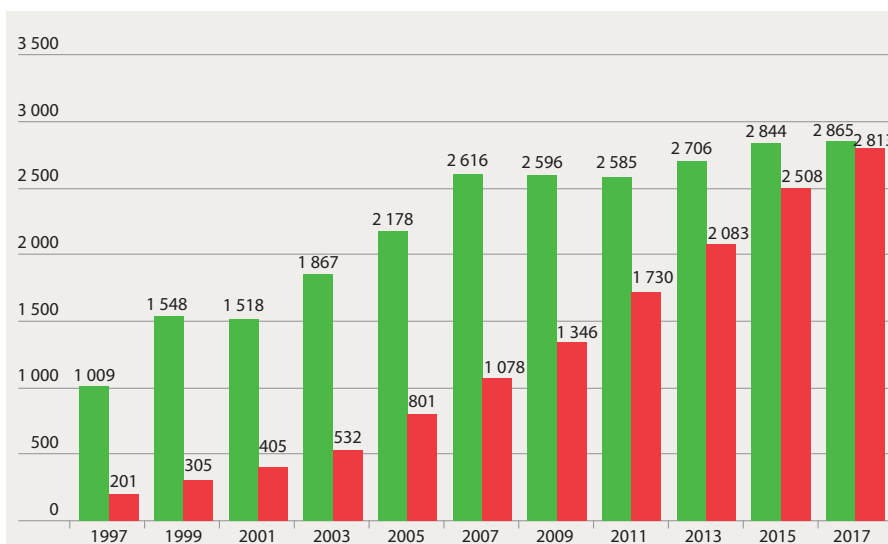


Table 11: Percentage of granted rights that were still in force on 31 December 2017

Crop sector	Species	Proportion (%)
Agricultural		59
	<i>Hordeum vulgare</i> L. sensu lato	51
	<i>Zea mays</i> L.	55
	<i>Triticum aestivum</i> L. emend. Fiori et Paol.	59
	<i>Solanum tuberosum</i> L.	65
	<i>Festuca rubra</i> L.	72
Vegetable		64
	<i>Cichorium endivia</i> L.	51
	<i>Lactuca sativa</i> L.	57
	<i>Solanum lycopersicum</i> L.	72
	<i>Capsicum annuum</i> L.	74
	<i>Daucus carota</i> L.	80
Ornamental		48
	<i>Gerbera</i> L.	21
	<i>Chrysanthemum</i> L.	40
	<i>Rosa</i> L.	50
	<i>Phalaenopsis</i> Blume & <i>Doritaenopsis</i> hort.	66
	<i>Clematis</i> L.	86
Fruit		80
	<i>Fragaria x ananassa</i> Duch.	69
	<i>Prunus persica</i> (L.) Batsch	73
	<i>Prunus domestica</i> L.	77
	<i>Malus domestica</i> Borkh.	84
	<i>Prunus avium</i> (L.) L.	92

10.3. Technical examinations

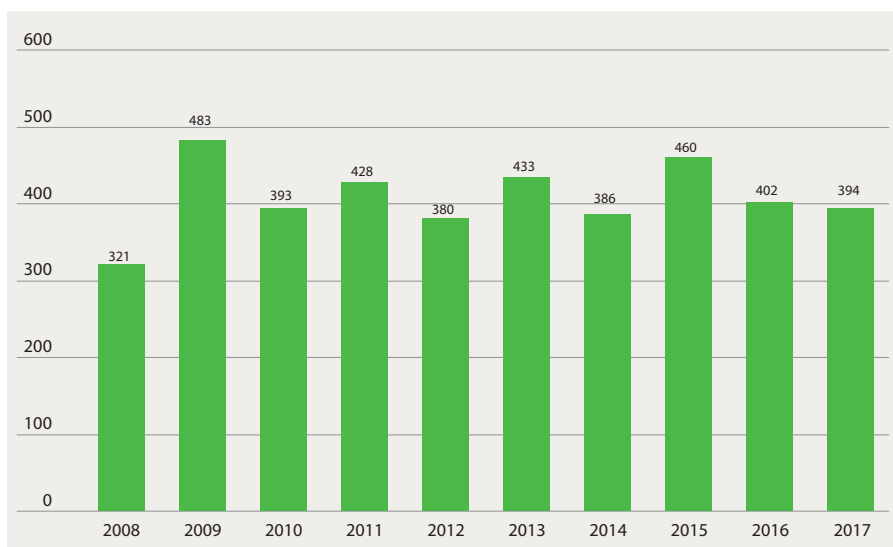
In 2017 the CPVO initiated 2 163 technical examinations, 277 more than in 2016. The increase is of course linked to the increasing number of applications. For vegetable and agricultural crops, a large number of technical examinations have already been carried out within the framework of the national 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.

10.3.1. 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 10 illustrates the number of reports the CPVO has made available to national authorities.

Graph 10

Evolution of the number of DUS testing reports made available to other PVR authorities (2008-2017)



By the end of 2017 the CPVO had sold 6 130 technical reports to 56 countries. During 2017 the five countries from which most requests emanated were Brazil, Canada, Colombia, Ecuador and Serbia. In 2017, 51.65 % of requests concerned ornamental varieties, 40.39 % fruit varieties, 4.50 % agricultural varieties and 3.45 % vegetable varieties. In 2017 the CPVO received 667 requests, which is the fourth highest number of requests ever received.

The CPVO 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 CPVO 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 (1998-2017)

Country	Number of reports bought
Brazil	663
Colombia	594
Israel	578
Ecuador	524
Switzerland	422
Canada	396
Kenya	376
France	283
Turkey	261
Norway	257

10.3.2. Relations with EOs

10.3.2.1. Twenty-first annual meeting with the EOs

In December 2017 the CPVO held its 21st annual meeting with its EOs, which was also attended by representatives from the European Commission, the UPOV office and the breeders' organisations (Ciopora, ESA, Dutch Association for the Plant Reproduction Material Sector (Plantum) and ECO-PB), as well as by representatives from the non-EU PVR authorities from Switzerland and the EPO. The main subjects of discussion were the following.

- Outcome of a survey on discrepancies between information provided in the application documents (technical questionnaire) and the appearance of the plants in the DUS trial.
- Use of all notes for quantitative characteristics where the states of expression are presented in an abbreviated form.
- Taking of photographs during visits to the growing trial.
- Proposal for a revision of the procedure on the acceptance of additional characteristics.
- Revision of the CPVO-TP template.
- Publication of official variety descriptions of parental lines.
- Potential publication of hybrid variety descriptions while refraining of publication of hybrid formula.
- CPVO/European Commission project on a single variety database.
- Interface PVR/patents, CPVO–EPO cooperation.
- Modification of the variety denomination guidelines.

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.



Examination offices meeting, December 2017, Angers, France

10.3.2.2. Preparation of CPVO protocols

In 2017 experts from the Member States' EOs were invited to participate in drawing up or revising technical protocols for DUS testing, which were either subsequently approved by the AC or can be expected to be approved in 2018. The following meetings were held.

- **Agricultural experts.** In 2017 the new technical protocols for white mustard, fodder radish, soya bean, potato and Kentucky bluegrass were adopted. The following protocols have been discussed for adoption in 2018 or 2019, depending on the developments: wheat, barley, field bean, sorghum, lucerne, oilseed rape.
- **Vegetable experts.** In 2017 a new protocol for leaf was created, the protocols for lettuce and witloof chicory were revised and the protocols for tomato, cucumber, cauliflower and tomato rootstocks were partially revised. These are all expected to be approved by the AC in March 2018.
- **Ornamental experts.** The revised technical protocols for *Abelia*, *Aglaonema*, *Cordyline*, *Freesia* and *Salvia* were discussed and subsequently adopted by the AC. For *Hibiscus syriacus* and *Lavandula* the adoption of the technical protocol is expected in 2018.

10.3.2.3. Crop expert meetings

The agricultural experts meeting (AEM) took place in October in Angers. With 29 participants the usually high attendance was continued in 2017. The discussion with experts was essentially turned to the development of new technical protocols (see section above).

The experts discussed further uniformity issues in relation to triticale varieties, the assessment of bulk characteristics such as oil profiles in oilseed rape varieties, the conditions for the resubmission of a new seed sample after the first year of testing and the adoption of additional characteristics by the CPVO where no application for a CPVR exists.

On the R & D side, presentations were given on the project for a durum wheat database, intended for the improvement of the management of the reference collection, the state of play of the pre-project on the use of SNP markers in oilseed rape, the management of the reference collection and a report on activities in the ad hoc working group Imoddu.

The results of the R & D project on the set-up of the continental maize database, created by EOs in Czech Republic, Hungary and Slovakia, were presented. The database is up and running. The CPVO will reflect with the EOs on a potential merger with the Atlantic maize database, which was created more than 10 years ago by the EOs in France, Germany and Spain. In addition, the EOs which have been entrusted for maize in the meantime but which are not yet partners to one of the databases will need to be integrated into the existing network. Also, the experts were shown a presentation from the Italian EO in which they explained the functioning of their breeders' participation system. It was agreed to dedicate a specific day at the AEM 2018 to discussions on maize. For that purpose the AEM 2018 will take place in Italy, close to the Italian testing station for maize.



Colour measuring



Vegetable open day, September 2017, Edinburgh, United Kingdom

A meeting of ornamental experts was held in June in Angers, France, in cooperation with the French EO GEVES. The aim of the meeting was to inform examiners of the developments in the work of the CPVO and to discuss items linked to the technical examinations (such as the status and use of the reserve plants, the assessment of uniformity and description of bicolored varieties, the transformation of measurements into notes presented in the variety description or problems getting plant material of reference varieties). Some of the discussions held served as preparation for the annual meeting with all EOs. Furthermore, some new and revised technical protocols were presented (see subsection 10.3.2.2. above).

A meeting of fruit experts was hosted by the Spanish EO OEW at the Instituto Andaluz de Investigación y Formación Agraria, Pesquera, Alimentaria y de la Producción Ecológica/ Andalusian Institute of Agricultural and Fisheries Research and Training (IFAPA) in Huelva to discuss a number of items relating to conducting technical examinations (such as the status and use of the reserve plants, the exchange of information between EOs, the reduction of the number of observation periods, an exchange of experiences about the plant-health documentation required and the improvement of the technical questionnaire for strawberries by inserting more characteristics). Furthermore, DUS ring tests for strawberries and apples were discussed.

A meeting of vegetable experts was held on 13 and 14 September in Edinburgh, United Kingdom, at the premises of SASA, which is one of the technically qualified bodies of the British EO. The vegetable experts meeting was preceded on 12 September by a vegetable open day, also hosted by SASA and attended by numerous United Kingdom stakeholders. In addition to the previously mentioned vegetable protocols, the group discussed numerous other items, particularly: 'aberrant plants' in cauliflower, where an agreement was reached on having different uniformity standards to be adopted in a partial revision of the CPVO cauliflower protocol for plants recognised as being aberrant; naming of variety types in pepper, where the pepper technical questionnaire will be adapted accordingly and to plan for the revision of the UPOV guideline for pepper; updates on

disease-resistance testing issues; publication of variety descriptions of parent lines on the CPVO website and updates on ongoing or proposed R & D projects on the 'Creation of a joint melon database in the EU'.

10.3.2.4. New species

In 2017 the CPVO organised three different new-species inventories: the 2017-A procedure in April/May and the 2017-C procedure in November/December were usual inventories, in which 77 different taxa for which varieties have not yet been subject to an application to the CPVO have been published. As a result of these 2 so-called new-species inventories, the AC of the CPVO entrusted new EOs for 52 of these new species in 2017. The exact list of those taxa is provided in Table 13.

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

Due to the decision of the United Kingdom to withdraw from the EU, the CPVO had to ensure that the DUS examinations for botanical taxa which are presently entrusted exclusively to United Kingdom EOs would, as far as possible, be done by EOs within the EU as from 30 March 2019. Therefore, in June the CPVO launched an 'extraordinary new species' inventory, with the aim of making it possible for EOs in the EU to show their interest in carrying out tests for the botanical taxa concerned following the withdrawal of the United Kingdom from the EU: 324 botanical taxa were published, and for 322 taxa a proposal has been received. The outcome of the procedure is available on the CPVO website.

Graph 11 shows the evolution of the number of taxa for which the CPVO has received applications for Community PVP since 2008.

Graph 11

Evolution of the number of botanical taxa for which the CPVO received applications (2008-2017)

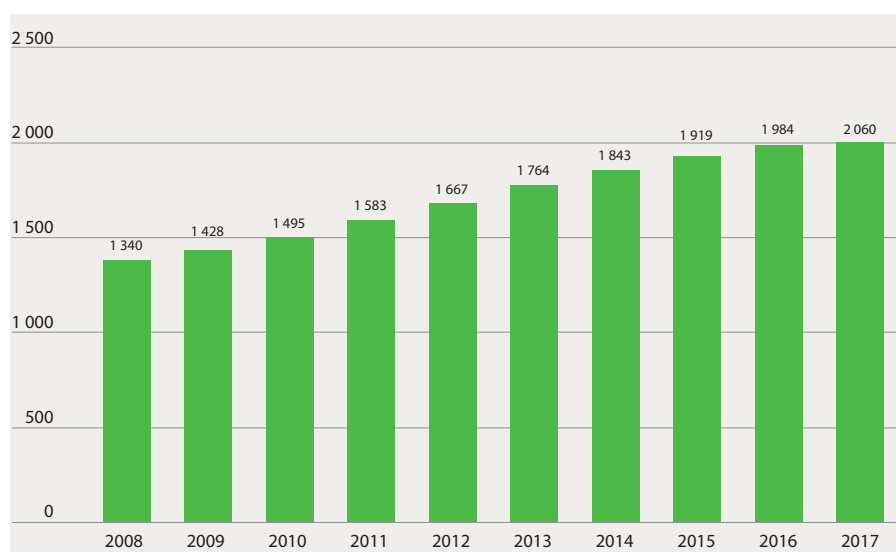


Table 13: List of new species for which examination offices were entrusted during the procedures 2017-A and 2017-C

Species
× <i>Alicea</i> hort.
× <i>Pachyveria</i> spp.
<i>Ajuga tenorei</i> C. Presl
<i>Alocasia zebrina</i> Schott ex Van Houtte
<i>Aloe aristata</i> Haw. × <i>Gasteria carinata</i> (Mill.) Duval var. <i>verrucosa</i> (Mill.) Van Jaarsv.
<i>Aloe descoingsii</i> Reynolds × <i>A. haworthioides</i> Baker
<i>Alternanthera brasiliana</i> (L.) Kuntze (syn. <i>A. dentata</i> (Moench) Stuchlik ex R. E. Fr; <i>Gomphrena brasiliana</i> L.)
<i>Andropogon hallii</i> Hack.
<i>Baptisia</i> Vent.
<i>Bouvardia longiflora</i> (Cav.) Kunth. × <i>B. ternifolia</i> (Cav.) Schltdl.
<i>Calathea lietzei</i> E. Morren
<i>Cannabis sativa</i> ssp. <i>sativa</i> × <i>Cannabis sativa</i> subsp. <i>indica</i>
<i>Cotyledon orbiculata</i> L. var. <i>oblonga</i> (Haw.) DC.(synonym <i>Cotyledon undulata</i> Haw.)
<i>Crassula pubescens</i> Thunb.
<i>Deschampsia cespitosa</i> (L.) P. Beauv.
<i>Echeveria affinis</i> E. Walther × <i>Echeveria runyonii</i> Rose ex E. Walther
<i>Echeveria chihuahuensis</i> Poelln.
<i>Echeveria lilacina</i> Kimnach & R. C. Moran
<i>Echeveria lilacina</i> Kimnach & R. C. Moran × <i>Pachyphytum coeruleum</i> J. Meyrán
<i>Echeveria lilacina</i> Kimnach & R. C. Moran × <i>Sedum suaveolens</i> Kimnach
<i>Echeveria shaviana</i> E. Walther
<i>Eryngium yuccifolium</i> Michx.
<i>Farfugium japonicum</i> (L.) Kitam.
<i>Ficus deltoidea</i> Jack
<i>Helichrysum</i> Mill. Corr. Pers.
<i>Ilex rotunda</i> Thunb
<i>Juniperus scopulorum</i> Sarg.
<i>Lappula squarrosa</i> (Retz.) Dumort.
<i>Lavandula pedunculata</i> (Mill.) Cav.
<i>Mentha spicata</i> L.
<i>Mimulus aurantiacus</i> Curtis
<i>Monstera adansonii</i> Schott
<i>Myosotis</i> × <i>parviflora</i> (Schur) Domin. (<i>M. arvensis</i> × <i>M. sylvatica</i>)
<i>Neoregelia carolinae</i> (Beer) L. B. Sm.
<i>Nepeta</i> L.
<i>Nigella damascena</i> L.
<i>Nyssa sylvatica</i> Marshall

Species

Pachyphytum hookeri (Salm-Dyck) A. Berger (syn. *Echeveria hookeri* (Salm-Dyck) Lem.) × *P. glutinicaule* Moran

Paulownia catalpifolia T.Gong ex D.Y.Hong × *P. fortunei* (Seem.) Hemsl.

Phedimus spurius (M. Bieb.) 't Hart (syn. *Sedum spurium* M. Bieb.)

Primula vialii Delavay ex Franch. (syn. *Primula littoniana* Forrest)

Salix integra Thunb.

Schizachyrium scoparium (Michx.) Nash

Scrophularia macrantha Greene ex Stiefelh.

Sempervivum × *rupicolum* A. Kern.

Spiraea prunifolia Siebold & Zucc.

Taraxacum kok-saghyz L. E. Rodin

Tradescantia zebrina hort. Ex Bosse

Trifolium alexandrinum L.

Triticum turgidum L. subsp. *dicoccum* (Schränk ex Schübl.) Thell.

Vaccinium L.

Viburnum rhytidophyllum Hemsl.

10.4. Technical liaison officers

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

The role of the TLO can, in general, be defined as acting as the contact point for the CPVO at 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.
- 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 crop-expert colleagues 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.
- For communications of a general technical nature, the CPVO contacts the TLOs first. Specific problems, such as those relating to a certain variety, may be discussed in the first instance directly at the level of the crop expert at the EO and the relevant expert at the CPVO.

The list of appointed TLOs (as of 31 December 2017) was as follows.

Luca Aggio	Centro per la ricerca in agricoltura e l'analisi dell'economia agraria (CREA) Centro di ricerca per la viticoltura (VIT) Italy
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
Anders Christenson	Swedish Board of Agriculture Seed Division Sweden
Björn Coene	Office de la Propriété Intellectuelle Belgium
Anne-Lise Corbel	Group for the Study and Control of Varieties and Seeds (GEVES) France
Zoltán Csűrös	National Food Chain Safety Office (NÉBIH) Directorate of Plant Production and Horticulture Hungary
David Cummins	Department of Agriculture, Food and the Marine (DAFM) Ireland
Flavio Roberto De Salvador	Centro per la ricerca in agricoltura e l'analisi dell'economia agraria (CREA) Centro di Ricerca per la Frutticoltura (FRU) Italy
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
Dilyan Dimitrov	Executive Agency for Variety Testing Field Inspection and Seed Control Bulgaria
Barbara Fürnweiger	Austrian Agency for Health and Food Safety (AGES) Austria
Lars Henrik Jacobsen	University of Aarhus — Aarslev Department of Food Science Denmark
Sigita Juciuvienė	Ministry of Agriculture Lithuanian State Plant Service Division of Plant Variety Lithuania
Marcin Król	Research Centre for Cultivar Testing (Coboru) Poland

Maria Losi	Consiglio per la ricerca in agricoltura e l'analisi dell'economia agraria (CREA) Centro di sperimentazione e certificazione delle sementi (SCS) Italy
Paivi Mannerkorpi	European Commission Directorate-General for Health and Food Safety Belgium
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	Direcção-Geral de Alimentação e Veterinária (DGAV) Portugal
Helena Rakovec	Ministry of Agriculture, Forestry and Food Slovenia
Mara Ramans	Animal and Plant Health Agency (APHA) United Kingdom
Mihaela Rodica Ciora	State Institute for Variety Testing and Registration (ISTIS) Romania
Beate Rücker	Bundessortenamt (BSA) Germany
Ivana Rukavina	Croatian Centre for Agriculture, Food and Rural affairs Institute for Seed and Seedlings Croatia
Bert Scholte	Naktuinbouw Afdeling Rassenonderzoek Netherlands
Radmila Šafáříková	Central Institute for Supervising and Testing in Agriculture (ÚKZÚZ) Czech Republic
Elizabeth Scott	National Institute of Agricultural Botany (NIAB) United Kingdom
José Antonio Sobrino Maté	Spanish Plant Variety Office (OEVV) Ministry of Agriculture, Food and the Environment Spain
Agra Univer	Agricultural Research Centre Viljandi Variety Testing Centre Estonia
Johan van Waes	Instituut voor Landbouw- en Visserijonderzoek (ILVO) Eenheid Plant-Teelt en Omgeving Belgium
Marc Weyland	Agriculture Technical Services Office Plant Production Service Luxembourg

11. VARIETY DENOMINATIONS

11.1. The CPVO Variety Finder

Maintained and developed by the CPVO since 2005, the web-based CPVO Variety Finder database, contains information on registers of more than 60 countries with a general search tool. It also includes a similarity search tool to test the suitability of denominations.

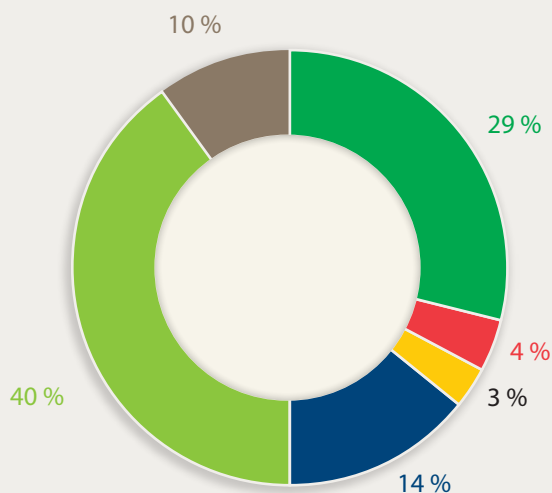
The general principle is to update the database as soon as data are officially published. A memorandum of understanding has been signed with UPOV to share the task of collecting data from EU Member States and non-EU countries and ensure regular data exchange.

In total, more than 1 million records originating from EU and UPOV members have so far been included in the Variety Finder.

Graph 12 shows an overview of the content of the database with the number of records per type of register.

Graph 12

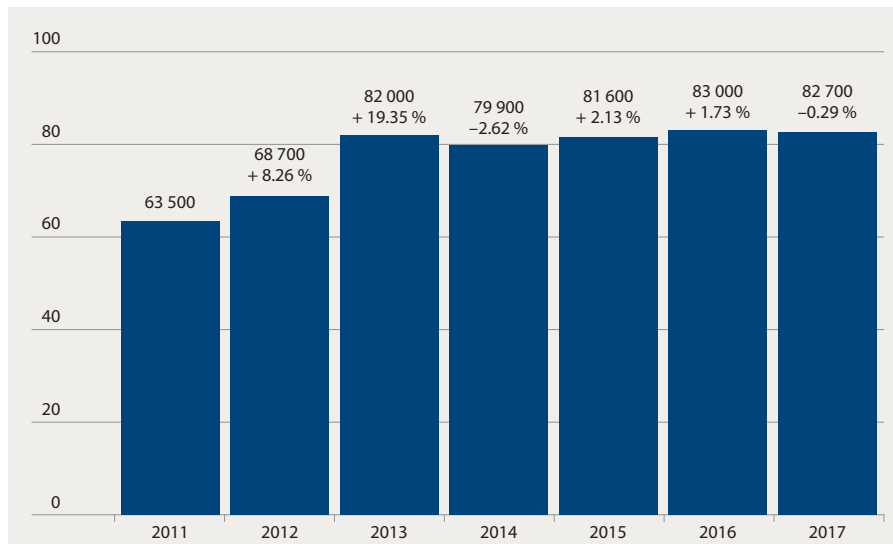
Number of records per type of register



For 10 years the use of the Variety Finder has constantly increased, CPVO clients representing the biggest group of users with more than 50 % tests of similarity launched. Around 80 000 denomination similarity tests are launched every year.

Graph 13

Evolution in the number of similarity tests (2011-2017)

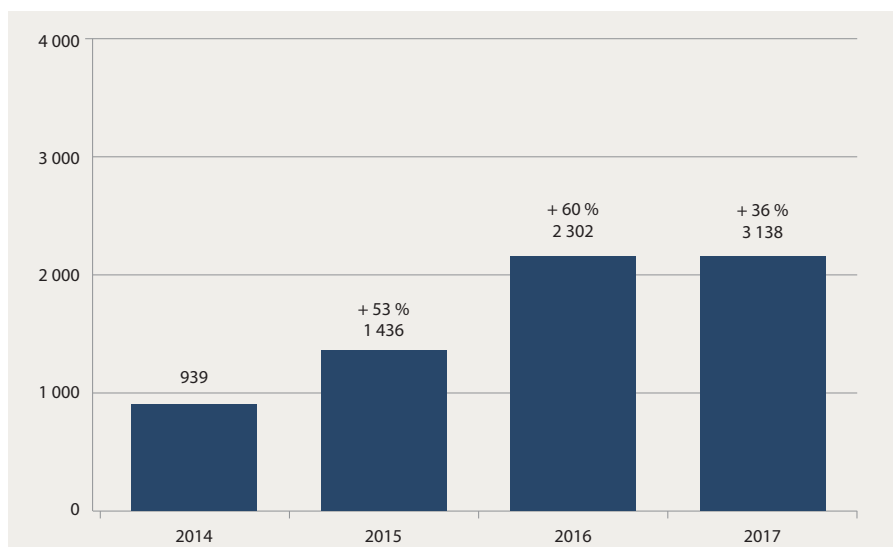


Over the last few years the number of users (national authorities, CPVO clients for CPVRs and the general public) has constantly increased, as is illustrated in the graph below, with a 36 % increase in the number of users in 2017 compared to 2016.

The development of the retrieval tool, allowing general searches in the database developed in 2016, contributed to a large extent to these positive figures.

Graph 14

Evolution in the number of users of both similarity and general search tools (2014-2017)



Since 2016 the CPVO has been involved in a new project in cooperation with the European Commission to investigate the possibilities of developing a unique EU IT system on plant varieties, for the purpose of updating the CPVO Variety Finder on the one hand and implementing the marketing directives on plant-reproductive material on the other hand.

The first meeting of the working group, composed of Member States, EOs and breeders, took place in Brussels in March 2017.

The main items of discussion were to present the functionalities of this future IT system and to reflect on the content needs.

As a follow-up to this first meeting, the CPVO produced an overview of information currently requested for the contributions to the common catalogues of varieties of agricultural and vegetable plant species, the CPVO Variety Finder (including UPOV needs for the PLUTO database) and the Fruit Reproductive Material Information System (Frumatis) database.

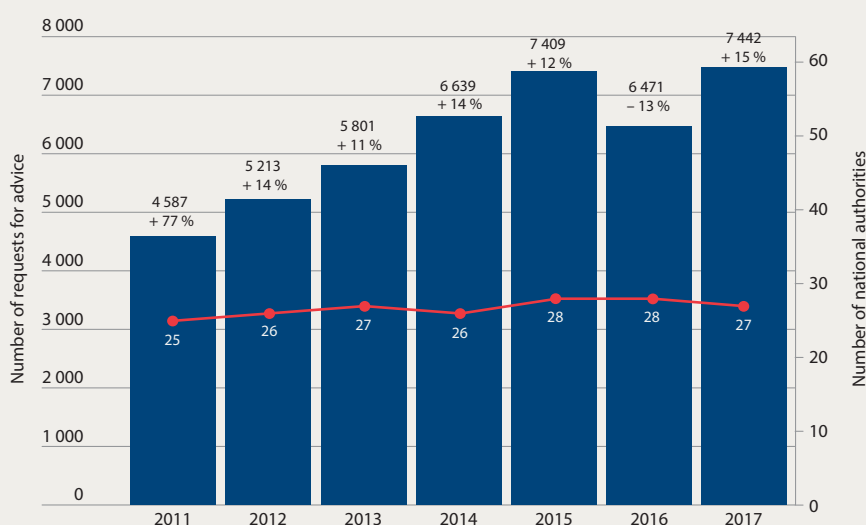
A broad consultation at EU level was organised in 2017. Another meeting of the working group took place in February 2018.

11.2. Cooperation in denomination testing: 2017 was a record year for the cooperation service

After the drop observed in 2016, 2017 exceeded the record level of 2015 with more than 7 440 requests for opinion received. The active use of the service facilitates information exchanges between the Member States, the CPVO and other national authorities. This cooperation contributes to enhance the clarity, the transparency and the quality of the information available in the Variety Finder and aims at a convergent interpretation of the rules on the variety denominations.

Graph 15
Number of requests for advice received and number of contributing national authorities (2011-2017)

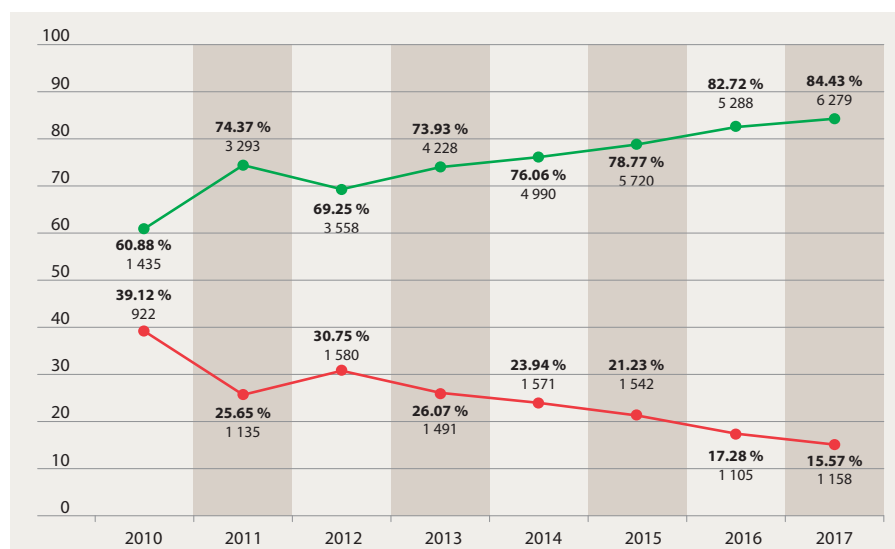
■ Requests for advice
— EU Member States



The average processing time was a half a day (Monday-Friday only), a response rate that can be considered most satisfactory as it does not delay the internal procedures of the users. In this regard it is important to emphasise that the quality of information provided by the users at the time they submit their proposals and the sharing of information between the CPVO and national authorities play a major role in the processing time and often prevent observations that could be avoided as to the suitability of the proposals, as illustrated by Graph 15, which also shows the benefit of having a common interpretation of the rules on the variety denominations. In 2017 the number of observations continued to drop, and fell below 16 %.

Graph 16
Share in the number of
observations/no observations
(2010-2017)

— Observation
— No observation



11.3. Revision of the guidelines on variety denominations

The AC agreed, in October 2015, on the establishment of a working group to discuss and prepare the revision of the current 'Explanatory notes on variety denominations' (adopted by the AC in November 2012) and to consider whether such amendments would have an impact on the guidelines currently in force and on Commission Regulation (EC) No 637/2009 of 22 July 2009 establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species.

This decision was triggered by the increasing number of situations where the actual explanatory notes do not provide clear guidance. The aim of such a revision is to discuss the actual criteria to assess the suitability of proposed variety denominations, to provide more clarity for stakeholders and to harmonise and increase the predictability of decisions on variety denominations.

The working group is composed of representatives from the EOs, the European Commission, Ciopora, ESA, Plantum, UPOV, KAVB (Royal General Bulb Growers' Association), RHS (Royal Horticultural Society) and the International Code of Nomenclature for Cultivated Plants (ICNCP).

Since the beginning of its mandate, the working group has worked at the revision of the guidelines and the explanatory notes and has met three times. The first meeting took place on 23 June 2016 in Paris, the second meeting took place on 5 October 2016 in Angers and the last one took place on 14 June 2017 in Paris.

The breeders' organisations as well as other participants in the first meeting expressed a wish to have more flexibility in the rules for acceptance of variety denominations. The participants also stressed their interest in effective harmonisation between UPOV, CPVO and ICNCP.

Fruitful discussions took place over the aforementioned three meetings and the CPVO could explain the applied methodology and share with the participants its experience when providing advice to national authorities on the suitability of variety denominations.

The working group is in the process of reaching a final conclusion on the new version of the guidelines with explanatory notes that is expected to be presented to the AC at the spring meeting of 2018.

12. INFORMATION TECHNOLOGY

The ICT and database management team was reinforced in 2017 with three additional staff. This change reflects the growing importance of the provision of robust applications and infrastructure for the proper functioning of the system, and also the large number of projects underway and planned for the future. The vision of the CPVO as regards ICT is defined in relation to the four overarching programmes outlined below.

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 EUIPO, UPOV, etc.) are online, transparent and paperless and, to the extent possible, involve a minimum of manual intervention in the procedures.

The major overhaul of the client portal, the so-called MyPVR project, was officially launched on 12 January 2017. This marks a significant step forward in the way that the CPVO will deal with clients, and developments will continue in the coming years. A major overhaul of the online application systems was launched which will allow sharing of applications with Member States, and also, in 2018, seamless integration with the UPOV electronic application system, thereby facilitating the application for PVRs.

12.2. Operational improvements

Operational tools cover all the IT applications necessary for the day-to-day business of the CPVO. As is the case every year, significant developments were made in 2017 with regard to internal operational tools that manage, inter alia, application processing, document management, human resources and finance.

12.3. Communication tools

The new external website of the CPVO (cpvo.europa.eu), which was launched in 2016, was enhanced during 2017, and work remains ongoing to ensure responsiveness to the needs of the CPVO stakeholders.

12.4. Infrastructure and support

The back-office work related to infrastructure continues to develop, and during 2017 the telephone systems were completely replaced and server virtualisation was brought close to completion.

With two meeting rooms set up with video and audio equipment, as well as personal webcams for several posts, the CPVO's staff make growing use of online meeting tools (video conference or web meetings), thus reducing the overall costs of transportation and accommodation for official trips (missions).

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

13.1. Standing Committee on Community Plant Variety Rights

In 2017 there were no meetings of the Standing Committee on Community Plant Variety Rights.

13.2. Standing Committee on Plants, Animals, Food and Feed

13.2.1. Section 'Seeds and propagating material for agriculture, and horticulture'

This European Commission committee met three times during 2017 in Brussels, and staff members of the CPVO attended one meeting as part of the Commission delegation.

Of particular interest for the CPVO throughout 2017 were the following.

- Discussions on the administration of the common catalogues and the possible involvement of the CPVO, and in particular the Commission/CPVO project on a unique EU IT system on plant varieties.
- Presentation of the Commission notice to breeders and suppliers subject to the European Union legislation on the marketing of seeds and other propagating material within the framework of Brexit.
- Exchange of views and possible opinion of the Committee on a draft Commission implementing decision on the organisation of a temporary experiment under Council Directive 2002/56/EC as regards seed potato tubers derived from true potato seed.
- Update on the use of common names in Directives 2002/55/EC and 2008/72/EEC.
- Integration of molecular data into DUS testing (report by the CPVO on the work of the Immodus working group).



Carrots



DUS trials on grasses

- Exchange of views on the problems with reference material.
- Presentation of an approach to seed fraud.
- Update on EU quality pest project in collaboration with the European and Mediterranean Plant Protection Organisation (EPPO).
- Presentation of an annual report from the United Kingdom on the organisation of a temporary experiment providing for certain derogations for the marketing of populations of the plant species wheat, barley, oats and maize pursuant to Council Directive 66/402/EEC.
- Organisation for Economic Cooperation and Development 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 its AC on new or revised technical protocols for DUS testing.

13.2.2. Section ‘Standing Committee on Propagating Material of Ornamental Plants’

This European Commission committee met only once in 2017 and the agenda items were not of direct concern for the CPVO.

13.2.3. Section ‘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 European 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 entered into force on 1 January 2017.

The CPVO participated in most of the standing-committee and working-group meetings organised by the European Commission on this subject. It followed the development of discussions closely, especially on aspects related to DUS examination, variety descriptions and the suitability of proposed variety denominations. The CPVO contributed to the newly established Commission database Frumatis with data about all fruit varieties within the scope of the directive and granted Community variety rights.

13.3. Council working parties

Following an invitation from the Directorate-General for Health and Food Safety to join the European Commission representation, the CPVO participated in the following Council working parties in 2017:

- coordination of UPOV meetings (Council, Consultative Committee, Technical Committee and Administrative and Legal Committee).

14. EXTERNAL RELATIONS

14.1. Cooperation with external organisations

14.1.1. 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 CPVO. 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 CPVO could not communicate its work on PVRs to breeders.

In 2017 the CPVO attended the annual meetings of Ciopora and ESA.

In bilateral meetings with ESA and Ciopora issues of mutual interest were discussed. Those discussions related amongst others to fee and cost aspects, the interface of PBR and patents, the minimum distance project, enforcement issues and the publication of variety descriptions. It was concluded that such formal bilateral meetings should be organised on an annual basis.

14.1.2. The International Union for the Protection of New Varieties of Plants (UPOV)

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

During 2017, 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 Administrative and Legal 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 an electronic application form;
- the ad hoc working group on the development of a variety denominations search tool;
- the ad hoc working group on a possible international system of cooperation;
- the ad hoc working group on variety denominations.

The CPVO president participated in a seminar in Geneva on maximising benefits for farmers through the 1991 act of the UPOV convention, organised by UPOV with the assistance of the World Intellectual Property Organisation. Speakers and participants from most corners of the world participated and discussed issues such as how breeding benefits farmers and how farmers can get access to well-performing varieties under reasonable conditions. During the seminar it was shown that the 1991 UPOV convention is sufficiently flexible to ensure that not only breeders but also farmers and society can benefit from its implementation.

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 CPVO and UPOV have started to exchange data extensively, UPOV collecting data from non-EU UPOV countries and the CPVO 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.



Lilium



TWO, September 2017, British Colombia, Canada

Several staff members of the CPVO also act as tutors in the various distance-learning courses offered by UPOV. Participation in the UPOV DL-205 has been made mandatory for all newly recruited CPVO staff.

14.1.3. The European Union Intellectual Property Office

In 2017 the CPVO and EUIPO continued their cooperation by way of reciprocally provided services. In particular, in November 2017 the staff of the CPVO dealing with the assessment of variety denominations provided training to EUIPO examiners dealing with the assessment of the new absolute ground for refusal of European Union trade mark applications under Article 7(1)(m) of Regulation (EU) 2017/1001 (EU trade mark regulation), as well as opposition and revocation proceedings in respect of variety denominations and trademarks. The training also focused on the use of the Variety Finder database and the assessment of variety denominations, in particular in relation to the interpretation of the notion of closely related species. As regards the human resources field, the CPVO has offered the first internship opportunity to a trainee within the 'Pan-European seal' joint internship programme with the EPO and EUIPO, and has participated in the selection of a researcher in the domain of plant varieties within the European Intellectual Property Institutes Network (EIPIN) innovation society joint doctorate to foster research in the field of IP leading to the award of several doctoral degrees. Still in the field of human resources, in 2017 the EUIPO shared with the CPVO their reserve lists in the field of IP specialists. Moreover, in 2017 the CPVO continued to participate in the enforcement and legal working groups of the European Observatory on Infringements of Intellectual Property Rights (under EUIPO), as well as in the plenary session. In this area the CPVO contributed to the update of the observatory national case-law database in the domain of enforcement of plant variety rights by national courts. Other areas in which the CPVO will further cooperate with the observatory include supporting the Virtual Training Centre with material in the domain of plant variety rights.

14.1.4. The European Patent Office

Following the signature on 11 February 2016 of an administrative arrangement (AA) between the CPVO and the EPO to enhance their cooperation through the exchange of technical knowledge and best practices in the area of plant-related patents and plant variety rights, a second workshop between technical and legal experts from both institutions took place in Munich on 30 March 2017, as well as a joint public conference in Brussels on 29 November 2017. The joint public conference was an occasion to inform the public about the objectives and results of the cooperation and how the EPO responded to European Commission Notice C/2016/6997 in relation to essentially biological breeding methods by the approved amendments of Rules 27(b) and 28 of the European Patent Convention, and how these rules are now applied in the EPO's patenting practice. Moreover, in 2017 the CPVO and the EPO decided to set up a working group with the aim of studying how to make variety descriptions and technical questionnaires available to patent examiners in a searchable format for the purpose of prior art searches.



EPO-CPVO joint conference, November 2017, Brussels



CPVO-EPO workshop, March 2017, Munich, Germany

14.1.5. Other EU institutions

The CPVO maintains regular external contacts by participating in meetings organised by the following.

- The European Commission Directorate-General for Human Resources and Security — implementation of matters regarding the staff regulations.
- The European Commission Directorate-General for Budget — implementation of the new financial regulation.
- The European Commission Directorate-General for Trade — cooperation in the field of the EU-funded IP Key project with China.
- The Committees on Legal Affairs and for Agriculture and Rural Development of the European Parliament.

In addition, other fields of external activity can be mentioned, such as the following.

- 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, such as the Inter-Agencies Legal Network (IALN) and the Network of Agencies Procurement Officers (NAPO).
- Europol to raise the awareness of the law enforcement agencies about the infringement of plant variety rights within the framework of Operation OPSON to fight against the counterfeiting of foodstuffs. This aims to enhance cooperation between the law enforcement and regulatory authorities involved in the field of plant variety rights.

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

14.2.1. CPVO international relations strategy

Following the adoption on 9 October 2014 of an international relations strategy, on 4 October 2017 the AC of the CPVO adopted the revised strategy. The new document builds on the 2014 strategy and introduces a broad framework of initiatives aimed at strengthening the importance of PVR in providing food security, supporting economic development in the rural sector and facilitating technology transfer. Furthermore, the new strategy underlines the CPVO's contribution to the harmonisation of the PVR system at the international level. Moreover, it aligns the objectives fulfilled by the CPVO with the European Commission's most recent initiative in the field of IPRs, namely the communication from the European Commission to the European Parliament, the Council and the European Economic and Social Committee 'Trade, growth and intellectual property — Strategy for the protection and enforcement of intellectual property rights in third countries' (COM(2014)0389 final) (the EU strategy), which serves a basis for debate on securing better IPR protection in foreign markets, in cooperation with non-EU countries (third countries). In the EU strategy the European Commission has aimed to set a revised strategy to promote IPRs and combat IPR infringements abroad, including in the field of PVR, and has acknowledged the importance of the cooperation with the CPVO.

The CPVO's objective is to contribute to the EU's policies in the field of IPRs so that European breeders can count on tools and practices that facilitate their access to emerging markets through the exchange of knowledge, and to support EU users on registration and enforcement overseas, in cooperation with the EU Member States.

14.2.2. 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 2017 the CPVO participated as detailed below.

- The Salon Sival, which takes place in mid January in Angers, France, is a fair mainly for growers of horticultural crops and vine; the CPVO participated together with GEVES (France).
- At the end of January 2017 the CPVO attended the International Trade Fair for Plants (IPM) in Essen, Germany. The stand was shared with experts from the BSA (Germany), Naktuinbouw (Netherlands), NIAB (United Kingdom) and GEVES (France). Even though the fair is open to the entire field of horticulture, the focus is on ornamentals.
- At the end of June the CPVO participated together with the BSA in a breeders' open day hosted by GEVES. The open day gave breeders of *Hydrangea* varieties an opportunity to familiarise themselves with the conduct of the DUS test and the testing station, as well as with developments in the test guidelines.

14.2.3. The African Regional Intellectual Property Organisation

Following the adoption of the Arusha Protocol, the CPVO collaborated with the the African Regional Intellectual Property Organisation (ARIPO) secretariat, which is tasked with drafting the regulations for implementing the Arusha Protocol. In this context, the CPVO attended the experts review meeting that took place in June 2016 in Harare. In November 2016 a study visit of officials of the ARIPO office was hosted at the CPVO, during which the CPVR system was presented. The regulations for the implementation of the Arusha Protocol for the protection of new varieties of plants were adopted by the ARIPO Administrative Council in its 41st session on 20 November 2017. Following the adoption of the said regulations, the CPVO and ARIPO formalised their cooperation on capacity building by signing an AA in Geneva on 15 December 2017.

The major cooperation activities to be performed under the AA would contribute to supporting ARIPO's capacity building and technical cooperation on relevant issues in the area of PVP.

Another area of cooperation identified under the AA is the organisation of joint awareness and sensibilisation programmes on the development of a legal and administrative PVR system and its enforcement.

14.2.4. The African Intellectual Property Organisation roadmap

In 2014 the African Intellectual Property Organisation (OAPI) became the second intergovernmental organisation and the 72nd member to join UPOV. OAPI 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 des plants/French Association for Seeds and Seedlings (GNIS), 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, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo.

Together with partners in Europe, OAPI engaged in 2016 with the European Commission to get funds for the implementation of the roadmap. A decision of the European Commission on the matter is pending.

Within the framework of its roadmap, OAPI, with the cooperation of the government of Senegal and UPOV, organised a seminar on the PVR PVP system in Dakar, Senegal, in September 2017. The seminar focused on raising awareness on the potential contribution PVP could have in enhancing the seed sector in the region. The seminar addressed stakeholders from Senegal and neighbouring countries and was facilitated by the Institut

Sénégalais de Recherches Agricoles/Senegalese Agricultural Research Institute (ISRA). The 3-day seminar triggered interesting discussions amongst the participants on the various topics presented by representatives of GNIS (France), the Canadian Food Inspection Agency (CFIA), the African Seed Trade Association (AFSTA), Naktuinbouw (Netherlands), CPVO and the organisers. A highlight was a visit to ISRA's DUS trial site, where currently applications for new varieties of peanut are being tested. This was the third seminar in the region as part of the roadmap designed to improve the PVP system. OAPI members have the long-term aim of boosting agricultural productivity through new and improved plant varieties.

14.2.5. Asian countries

Administrative arrangements with China

At the occasion of the ninth national forum on agricultural intellectual property in Qingdao, China, on 15 November 2017, the president of the CPVO signed an AA with the two Chinese PVP authorities: the State Forestry Administration (SFA) and the Development Centre of Science and Technology (DCST). The AA focuses on exchange and cooperation in administrative and technical matters in the context of increasing demand for PVP in China. The number of applications that are close to the ones received by the CPVO and the increasing number of botanical taxa covered by the protection system require the creation of additional DUS test capacity. Therefore many of the activities planned under the AAs aim to increase the throughput by enhancing the efficiency and qualifying new DUS centres. The implementation of the AA will be done in cooperation with EU EOs. Funding will be provided by the EU IP Key and Chinese authorities.

East Asia Plant Variety Protection Forum — Myanmar/Burma

The CPVO participated in the 10th East Asia Plant Variety Protection Forum (EAPVP) meeting and PVP awareness seminar in Nay Pyi Taw, Myanmar/Burma, on 11 and 12 September 2017. The vice-president of the CPVO gave a presentation on the CPVR system in the European Union.



AA signed with China DCST, November 2017



AA signed with China SFA, November 2017

India

In December 2017 the CPVO participated in the organisation of an international workshop scheduled to take place on 22 and 23 February 2018 in New Delhi on India–EU collaboration in seed-sector development and PVP in partnership with the Protection of Plant Varieties and Farmers' Rights Authority (Department of Agriculture, Cooperation and Farmers Welfare, Ministry of Agriculture and Farmer's Welfare, government of India), the Department of Industrial Policy and Promotion (Ministry of Commerce and Industry, government of India), the German Federal Ministry of Food and Agriculture and the Dutch Ministry of Agriculture, Nature and Food Quality. The project has been funded under EU–India intellectual property cooperation (the IPC-EUI programme) approved by the EU and the government of India in an addendum to the financing agreement in 2014, with the aim of reformulating the capacity-building initiative for trade development and attributing its implementation to EUIPO.

14.2.6. Universities

In 2017 the CPVO continued to cooperate with a network of universities with the aim of spreading awareness of PVR among students and academics. In this respect the CPVO continued to be one of the partner institutions of the EIPIN Innovation Society joint doctorate to foster research in the field of IP. This has led to the awarding of several doctoral degrees, one of which is in the domain of plant varieties. In 2017 the CPVO supported the selection of the doctoral researcher in the field of PVRs. The project is entirely funded under the Marie Skłodowska-Curie actions of the European Commission. Moreover, for the fourth year, the CPVO is continuing its collaboration with the universities of Alicante and Strasbourg. Several successful internships have been granted to former students of both universities' master's in IP law. In particular, the CPVO supports the Magister Lvcentinvs, the master's in IP of the University of Alicante that has implemented a special intensive course dedicated to PVRs. The CPVO continues to collaborate with the École Supérieure des Sciences Commerciales d'Angers (ESSCA), school of management, based in Angers, within the framework of the European sustainability policies course, and with Wageningen University. In 2017 the CPVO initiated contact with the Munich Intellectual Property Law Centre to strengthen cooperation in the field of research on PVRs.

The CPVO has also continued the revision of the case-law database with the valuable cooperation of Queen Mary University of London. The 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 this.

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 CPVO, a new article, Article 33a, was introduced into the BR 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 CPVO. 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 CPVO 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 CPVO. Information on these rules and the forms to use when requesting access to a document are also published on the website of the CPVO.

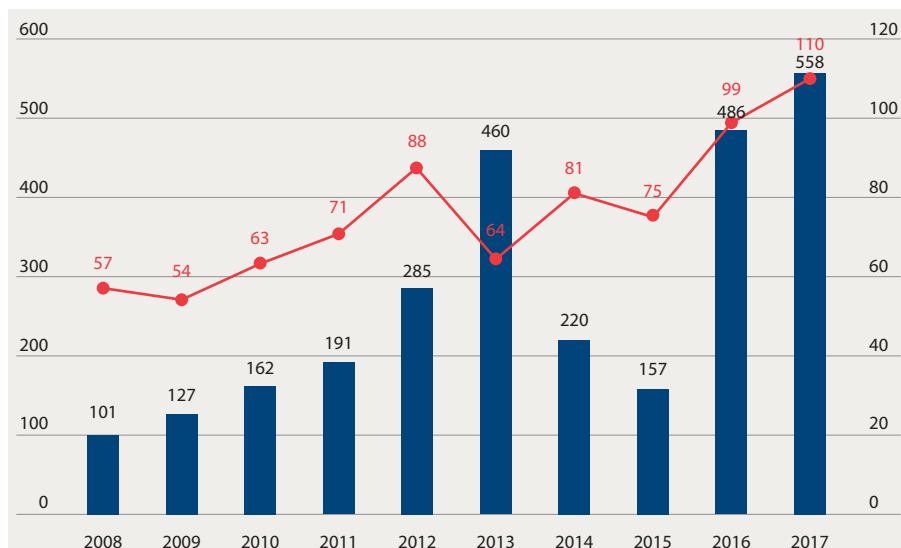
The CPVO follows up the implementation and application of the rules on public access to documents by reporting annually on information such as the number of cases in which the CPVO refused to grant access to documents and the reasons for such refusals.

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)
2016	99	26 (partial)	Confidential technical questionnaire not sent	4 (successful)
2017	110	45 (partial)	Confidential technical questionnaire not sent	2 (1 unsuccessful and 1 successful)

Graph 17

Evolution of annual number of public access requests received by the CPVO over the last 10 years

■ Number of files concerned
— Number of requests



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 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.

The mandate of the current DPO was renewed by decision of the CPVO president of 31 August 2016. As of March 2017 a trainee was attached to the DPO as part of the CPVO in-service training programme.

16.3. Report of the DPO for 2017

16.3.1. Register of data processing operations and inventory

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. The register also contains the inventory of future processing operations awaiting their notification and records on data breaches and data transfers.

By the end of 2017 the register contained 69 entries composed of 47 notifications and 21 prior checking operations with an opinion from the EDPS. Three additional processing operations were listed for implementation in the near future (inventory).

Following the review of the data protection rules, the register would no longer be a legal requirement. However, in order to comply with the enhanced accountability criteria, the CPVO will continue to maintain a register and further integrate additional documented elements providing evidence of the continuous adherence to the data protection principles.

16.3.2. Thematic guidelines of the EDPS

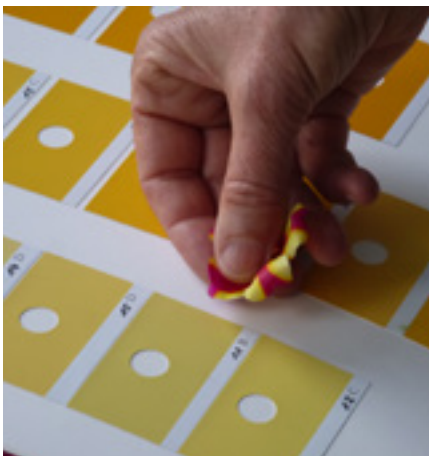
The EDPS issues guidelines on specific themes in order to provide guidance for EU institutions and bodies in certain fields relevant to them. These guidelines also facilitate the prior checking by the EDPS of processing operations in the EU agencies as they serve as a reference document helping agencies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

In 2017 substantial guidance was provided in view of the transition to new data protection rules and the relevant changes that would have to be implemented by the beginning of 2018.

16.3.3. 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.



Colour measuring



Barley

The ongoing effort to raise awareness of data protection issues from both the controllers' and the data subjects' perspective resulted in presentations in specific data protection sessions and in presentations to CPVO staff in unit meetings. All new staff members participate in a data protection introduction session.

16.3.4. Meetings of the DPO network in 2017

As a function common to all EU institutions and bodies, DPOs are now well established and 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 meeting of the DPOs' network hosted by the European Medicines Agency in October 2017, in London.

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 appointed for a term of 5 years by a Council Decision of 19 February 2018 (OJ C 65, 21.2.2018, p. 4). His past mandate ran from 18 December 2012 until 18 December 2017. His new mandate runs from 19 February 2018 until 20 February 2023. The position of his alternate, Ms Sari Haukka, was renewed for a second term of 5 years by a Council Decision of 16 June 2016 (OJ C 223, 21.6.2016, p. 5). Her mandate runs from 15 October 2016 until 14 October 2021.

17.1.2. Qualified members of the Board of Appeal

The AC of the CPVO at its meeting of 30 September 2015 adopted, in accordance with the procedure prescribed by Article 47(2) of Council Regulation (EC) No 2100/94, the following list of 23 qualified members of the Board of Appeal for a period of 5 years starting on 23 February 2016 and ending on 22 February 2021.

Table 14: List of qualified members (from 23.2.2016 to 22.2.2021)

1. Beatrix Bönisch	13. André Pohlmann
2. Richard Brand	14. Dirk Reheul
3. Paul de Heij	15. Kurt Riechenberg
4. Krieno Fikkert	16. Beate Rücker
5. Huib Ghijsen	17. Ivana Rukavina
6. Joël Guiard	18. Elizabeth Scott
7. Helen Johnson	19. Péter Sipos
8. Ofelia Kirkorian-Tsonkova	20. Sven Stürmann
9. Michael Köller	21. Zsolt Szani
10. François Lallouet	22. Hanns Ullrich
11. Stephan Martin	23. Nicolaas Petrus van Marrewijk
12. Miguel Angelo Pinheiro De Carvalho	

17.2. Decisions of the Board of Appeal in 2017

The Board of Appeal took two decisions in 2017.

- On 14 September 2017, in appeal Case A007/2016 ('Cripps Pink'), the Board of Appeal found the appeal admissible but not well founded. CPVO non-nullity Decision No NN17 was upheld by the Board of Appeal. The costs of the appeal proceedings had to be borne by the appellant.
- On 16 August 2017, in appeal case A005/2016 ('Pinova'), the Board of Appeal found the appeal admissible but not well founded. CPVO non-nullity Decision No NN15 was upheld by the Board of Appeal. The costs of the appeal proceedings had to be borne by the appellant.

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

17.3. Further actions to the Court of Justice in 2017

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

17.3.1. New further actions in 2017

- Case T-765/17 was lodged with the General Court on 23 November 2017 against decision A005/2016 of 16 August 2017 of the Board of Appeal of the CPVO for the apple variety 'Pinova'.

17.3.2. Rulings of the General Court in 2017

- Joined cases T-425/15, T-426/15 and T-428/15 — Further to the judgment of the General Court of 4 May 2017, the General Court dismissed the following three actions.
 - In Case T-425/15, action brought against the decision of the Board of Appeal of CPVO of 24 February 2015 (Case A 003/2010) concerning an application for cancellation of the Community protection of the plant variety rights granted to the osteospermum variety '**Seimora**' for lack of distinctness.
 - In Case T-426/15, action brought against the decision of the Board of Appeal of CPVO of 24 February 2015 (Case A 002/2014) concerning an application for a declaration of invalidity of the Community protection of the plant variety rights granted to the osteospermum variety '**Seimora**' for lack of distinctness.
 - And in Case T-428/15, action brought against the decision of the Board of Appeal of CPVO of 24 February 2015 (Case A 007/2009) concerning an application for Community protection of plant variety rights for the osteospermum variety '**Sumost 02**'.

The Court also ordered the appellant to pay the costs.

- Case T-767/14 — Further to the judgment of the General Court of 13 July 2017, in an action brought against a decision of the Board of Appeal of the CPVO of 2 July 2014 (Case A 007/2013) upholding the refusal decision of the CPVO on the basis of lack of novelty of the pear variety '**Oksana**', the General Court dismissed the action and ordered Boomkwekerij van Rijn-de Bruyn BV to pay the costs.
- Case T-140/15 — Further to the judgment of the General Court of 23 November 2017, in an action brought against the decision of the Board of Appeal of the CPVO of 26 November 2014 (Case A 010/2013) concerning an application for a declaration of nullity of the Community protection of the plant variety rights granted to the sugar beet variety '**M 02205**' for lack of distinctness, the General Court:
 - annulled the decision of the Board of Appeal of the CPVO of 26 November 2014 (Case A 010/2013),
 - dismissed the action as to the remainder,
 - ordered the CPVO to bear its own costs and pay those incurred by Aurora Srl,
 - and ordered SESVanderhave NV to bear its own costs.

17.3.3. Rulings of the Court of Justice in 2017

Case C-625/15 P — On 8 June 2017, the Court set aside the judgment of the General Court of 10 September 2015 (T-91/14 and T-92/14) and annulled the decisions of the Board of Appeal of 20 September 2013 which had found that the apple variety '**Gala Schnitzer**' (Cases A003/2007 and A004/2007) could not be held to be legally distinct based on a flawed technical examination of an additional characteristic which had only taken place over a period of 1 year, whereas the protocols and guidelines applicable required an examination over at least two fruiting seasons to establish uniformity and stability. The Court ordered the CPVO to bear its own costs and to pay those incurred by Schniga GmbH, and ordered Brookfield New Zealand Ltd and Elaris SNC to bear their own costs.

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

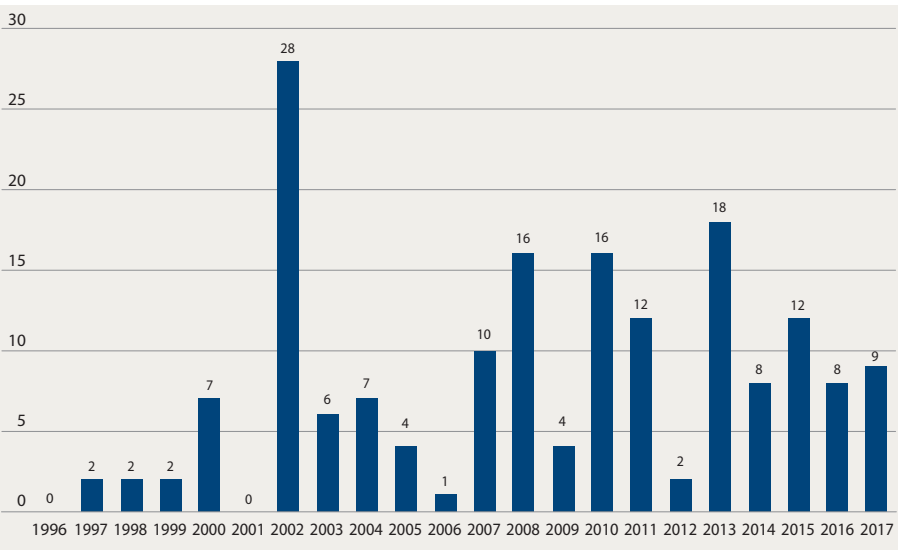
Case No before the General Court	Contested decision	Variety denomination	Date of General Court ruling	Date of further appeal to the Court of Justice	Case No before the Court of Justice	Date of Court of Justice ruling
T-95/06	A001/2005	Nadorcott	31.1.2008	N/A	N/A	N/A
T-187/06	A003/2004	Sumcol 01	19.11.2008	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	8.6.2017
T-92/14	A003/2007	Gala Schnitzer	10.9.2015	23.11.2015	C-625/15 P	8.6.2017
T-767/14	A007/2013	Oksana	13.7.2017			
T-140/15	A010/2013	M02205	23.11.2017			
T-425/15	A003/2010	Seimora	4.5.2017			
T-426/15	A002/2014	Seimora	4.5.2017			
T-428/15	A007/2009	Sumost 02	4.5.2017			
T-177/16	A001/2015	Braeburn 78	<i>Pending</i>			
T-445/16	A005/2014	Gala Schnico	<i>Pending</i>			
T-405/16	A006/2014	Tang Gold	<i>Pending</i>			
T-765/17	A005/2016	Pinova	<i>Pending</i>			

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

17.4.1. Number of appeals lodged per year between 1996 and 2017

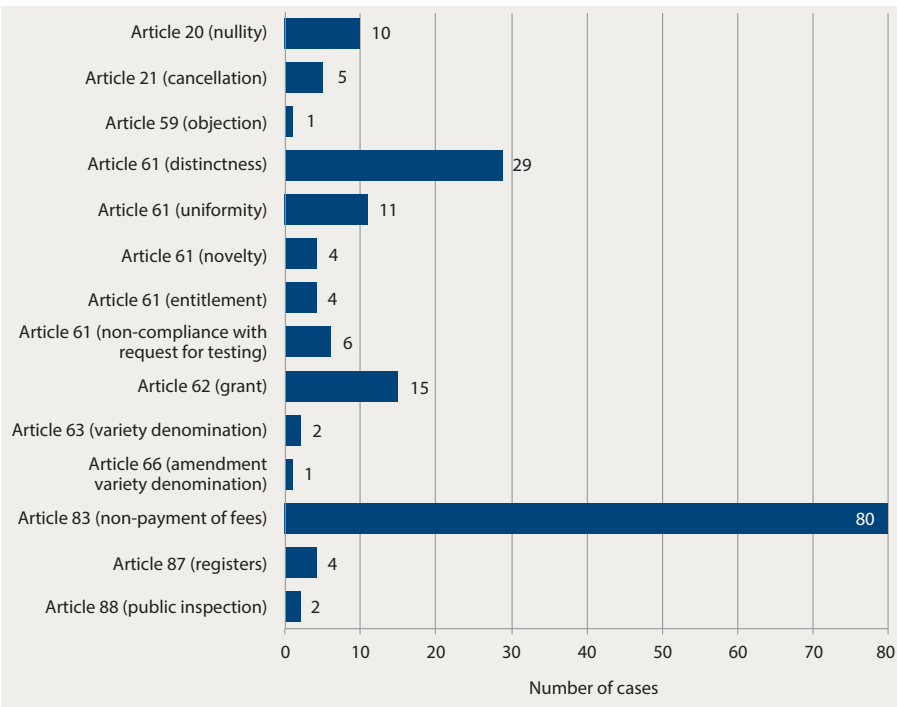
Some 174 appeals have been lodged with the CPVO since the opening of the CPVO. These are distributed as shown in Graph 18.

Graph 18
Number of appeal cases lodged per year with the CPVO between 1996 and 2017



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

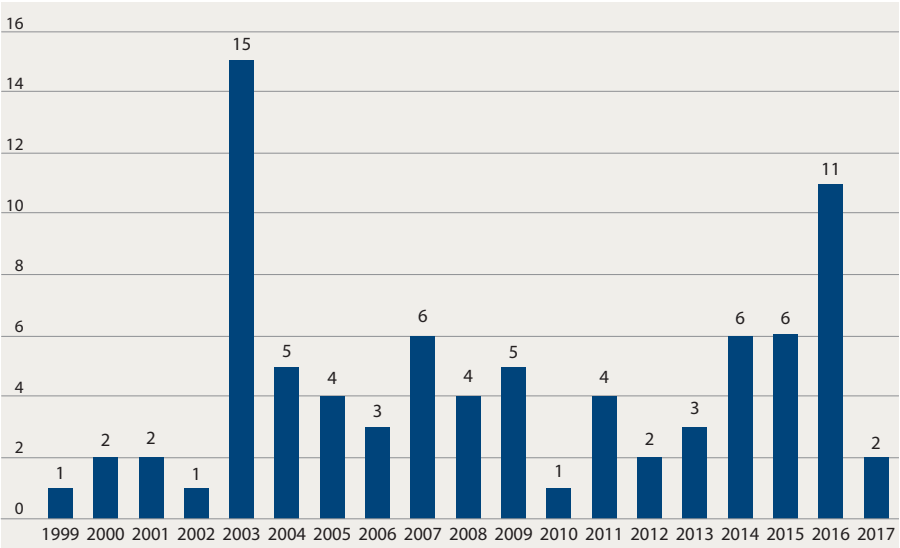
Graph 19
Legal basis of the appeal cases lodged with the CPVO since 1996



17.4.3. Decisions of the Board of Appeal per year

A total of 83 decisions were taken by the Board of Appeal of the CPVO between 1999 and 2017, distributed as detailed in Graph 20.

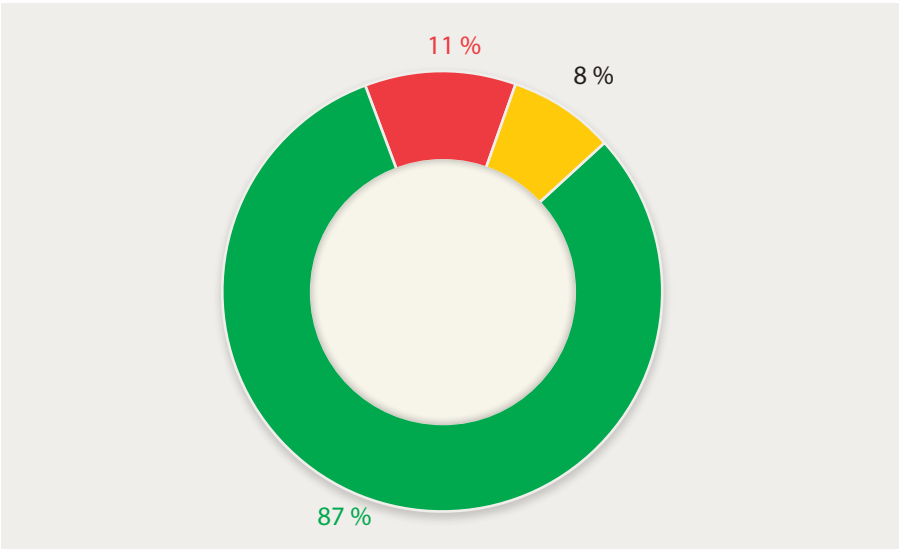
Graph 20
Number of decisions reached by the Board of Appeal per year since 1999



17.4.4. Outcome of the 83 decisions of the Board of Appeal (1996-2017)

Graph 21
Share of the total number of decisions of the Board of Appeal (1996-2017)

- Appeals partially upheld
- Appeals upheld
- Appeals dismissed



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

Year	Appeal case number and Board of Appeal decision date
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

Year	Appeal case number and Board of Appeal decision date
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
2016	A001/2014 of 3.3.2016 A003/2014 of 3.3.2016 A005/2014 of 22.4.2016 A006/2014 of 29.4.2016 A007/2014 of 29.4.2016 A008/2014 of 29.4.2016 A006/2015 of 15.8.2016 A009/2015 of 22.8.2016 A005/2007-RENV of 2.9.2016 A006/2007-RENV of 2.9.2016 A007/2007-RENV of 2.9.2016
2017	A005/2016 of 16.8.2017 A007/2016 of 14.9.2017

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 2017 the CPVO continued its participation in the Interagency Task Force on Conflicts of Interest organised by the European Commission's Directorate-General for Health and Food Safety, with the aim of implementing the European Commission '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 IPRs 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 European Commission guidelines into consideration, the AC adopted during its meeting in October 2015 a CPVO policy on prevention and management of conflict of interest. The policy has been amended in 2017 and the proposed changes will be submitted to the AC for approval on the occasion of its first annual meeting of March 2018.

MAIN ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	
A	
AA	administrative arrangement
AC	Administrative Council of the CPVO
AEM	agricultural experts meeting
AFSTA	African Seed Trade Association
AGES	Österreichische Agentur für Gesundheit und Ernährungssicherheit (AGES) — Austrian Agency for Health and Food Safety
APHA	Animal and Plant Health Agency (United Kingdom)
ARIPO	African Regional Intellectual Property Organisation
B	
BR (basic regulation)	Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights
BSA	Bundessortenamt (Germany)
C	
CFIA	Canadian Food Inspection Agency
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 rights
CREA	Consiglio per la ricerca in agricoltura e l'analisi dell'economia agraria/ Council for Agricultural Research and Agricultural Economics Analysis (Italy)
CREA-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)
CREA-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)

Acronym/Abbreviation	
CREA-VIT	Consiglio per la ricerca in agricoltura e l'analisi dell'economia agraria — Centro per la ricerca per la viticoltura/Agricultural Research Council — Wine Growing Research Unit (Italy)
CTIFL	Centre Technique Interprofessionnel des Fruits et Légumes (France)
D	
DAFM	Department of Agriculture, Food and the Marine (Ireland)
DGAV	Direcção-Geral de Alimentação e Veterinária/Portuguese National Authority for animal health
DNA	deoxyribonucleic acid
DPO	data protection officer
DUS	distinctness, uniformity and stability
E	
EDPS	European Data Protection Supervisor
EIPIN	European Intellectual Property Institutes Network
EO(s)	examination office(s)
EPO	European Patent Office
EPPO	European and Mediterranean Plant Protection Organisation
ESA	European Seed Association
EU	European Union
EUIPO	European Union Intellectual Property Office (until 22.3.2016: Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM))
EUTM	European Union trade mark
EUTMR	EU trade mark regulation
EVIRA	Elintarviketurvallisuusvirasto/Finnish Food Safety Authority (Finland)
F	
Frumatis	Fruit Reproductive Material Information System

Acronym/Abbreviation	
G	
GEVES	Groupe d'Etude et de contrôle des Variétés Et des Semences/Group for the Study and Control of Varieties and Seeds (France)
GNIS	Groupement national interprofessionnel des semences et des plants/French Association for Seeds and Seedlings (France)
I	
IALN	Interagency Legal Network
ICNCP	International Code of Nomenclature for Cultivated Plants
ICT	Information and communications technology
IFAPA	Instituto Andaluz de Investigación y Formación Agraria, Pesquera, Alimentaria y de la Producción Ecológica/ Andalusian Institute of Agricultural and Fisheries Research and Training (Spain)
ILVO	Instituut voor Landbouw- en Visserijonderzoek (Belgium)
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
ISRA	Institut Sénégalais de Recherches Agricoles/Senegalese Agricultural Research Institute (Senegal)
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)
M	
MS	Member State
N	
NÉBIH	Nemzeti Élelmiszerlánc-biztonsági Hivatal/National Food Chain Safety Office (Hungary)
NIAB	National Institute of Agricultural Botany (United Kingdom)

Acronym/Abbreviation

O

OAPI	African Intellectual Property Organisation
OECD	Organisation for Economic Cooperation and Development
OEVV	Oficina Española de Variedades Vegetales/Spanish Plant Variety Office (Spain)
OJ	<i>Official Journal of the European Union</i>
OSR	oilseed rape

P

Plantum	Dutch Association for the Plant Reproduction Material Sector
proceedings regulation	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
PVP	plant variety protection
PVR	plant variety rights

Q

QAS	Quality Audit Service
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R

R & D	research and development
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S

SASA	Science and Advice for Scottish Agriculture (United Kingdom)
SNP	single-nucleotide polymorphism

T

TLO	technical liaison officer
TPs	technical protocols
TWPs	UPOV technical working parties

Acronym/Abbreviation	
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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Gemeinschaftliches Sortenamt

Ühenduse Sordiamet

Κοινοτικό Γραφείο Φυτικών Ποικιλιών

Community Plant Variety Office

Office communautaire des variétés végétales

Ured Zajednice za zaštitu biljnih sorti

Ufficio comunitario delle varietà vegetali

Kopienas Augu šķirņu birojs

Bendrijos augalų veislių tarnyba

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