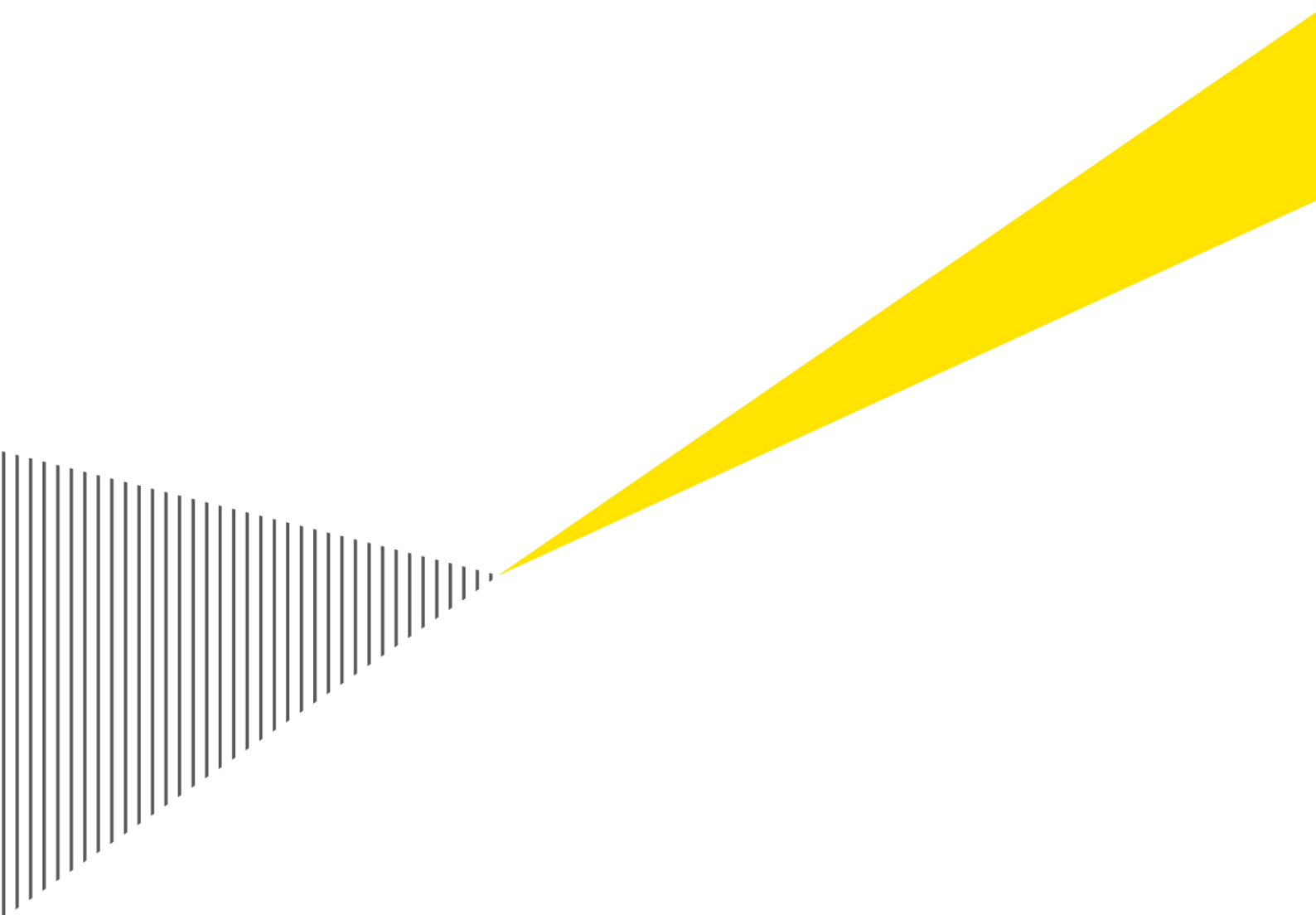


# Community Plant Variety Office

Evaluation of activities and functioning of the Community Plant Variety Office (CPVO)

## September 2010

Final report



This document has been prepared on the basis of the requirements and information you have communicated to us, with reference to your context, taking into account the current legal and economic environment.

The findings presented were prepared on the basis of our methods, processes, techniques and know-how. Accordingly, they, together with the support medium, are our property. The decision as to whether or not to implement these findings, as well as the method of such implementation, is your responsibility.

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This document is issued in accordance with the contract entered into between us.

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# List of abbreviations

AC	Administrative Council
AFU	Administrative and Financial Unit
AT	Austria
AU	Australia
BE	Belgium
BO	Business Object
CH	Switzerland
CPV	Community Plant Variety
CPVO	Community Plant Variety Office
CPVR	Community Plant Variety Rights
CR	Croatia
CY	Cyprus
CZ	Czech Republic
DE	Germany
DG	Directorate General
DG SANCO	Directorate General Health & Consumers
DK	Denmark
DPO	Data Protection Officer
DUS	Distinctness, Uniformity and Stability
EDPS	European Data Protection Supervisor
EE	Estonia
EO	Examination Offices
ES	Spain
EU	European Union
FTE	Full Time Equivalent
FI	Finland
FR	France
GR	Greece
HR	Human Resources
HU	Hungary
ID	Identity Number
IE	Ireland
IL	Israel
IT	Information Technology (understood as the use of electronic computers and software) or Italy (on figures)
JP	Japan
LU	Luxemburg
MBP	Multi Beneficiary Programme
MT	Malta
NL	Netherlands
NZ	New Zealand
OAPI	African Intellectual Property Organisation
OECD	Organisation for Economic Co-operation and Development
PL	Poland
PT	Portugal
PVP	Plant Variety Protection
PVR	Plant Variety Rights
QAS	Quality Audit System
SE	Sweden
SI	Slovenia
SK	Slovakia
TU	Technical Unit
TW	Taiwan
UPOV	Union for the Protection Of new Varieties of plants
UK	United Kingdom
US	United States of America
ZA	South Africa

# 1. Objectives of the evaluation and final report content

***This first chapter presents the scope of the evaluation, stating its objectives and expectations formalised during the evaluation process.***

## Objectives

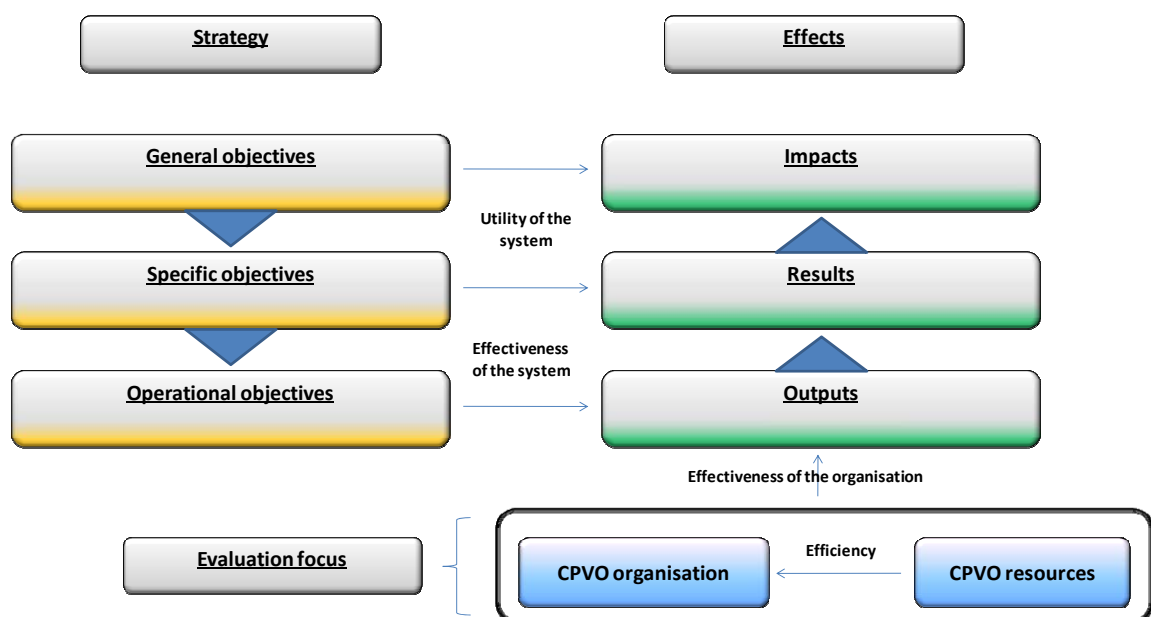
The purpose of this evaluation is to assess the effectiveness and efficiency of the Community Plant Variety Office (CPVO) activities and functioning. The evaluation covers three topics:

- ▶ Core activities involved in the Community Plant Variety Rights granting process: quality of processing of applications, organisation and carrying out of technical examinations, checking of denominations, decisions, publications, and activities performed in the framework of the European Union.
- ▶ CPVO secondary activities which include assistance in the exercise of plant variety rights as well as policy guidance provided.
- ▶ CPVO communication and relations with the stakeholders, i.e. breeders' organisations and Examination Offices.

## Scope of the evaluation

The evaluation is focused on the internal organisation of the CPVO. The CPV system is addressed by another evaluation and is not assessed here although an understanding of this system has been obtained in order to conclude on the operations of the CPVO organisation, as defined above..

**Figure 1: Evaluation logic**



The evaluation concerns the **CPVO core activities** (the application process) **and also the following secondary activities**:

- ▶ Communication,
- ▶ Relation with stakeholders,
- ▶ Contribution to the enforcement of the PVR,
- ▶ Contribution to international cooperation on PVR, especially with the UPOV.

## Time period

There is no strict definition regarding the time period. However, the evaluation includes the period following the first evaluation of the CPVO in September 2001, but it is focused on the current organisation. Indeed, the evolution of the organisation since 2001 could provide the evaluation with a more refined understanding of the current organisation.

## Content of the final report

The final report presents:

- ▶ The main objectives and scope of the evaluation,
- ▶ A description of the methodology, including the data collection plan,
- ▶ An executive summary : 12 pages describing the salient evaluation points (objectives, methodology, conclusions and recommendations)
- ▶ A description of findings, from which evaluators' conclusions have been drawn,
- ▶ Responses to evaluation questions and, therefore, evaluators' conclusions,
- ▶ Recommendations based on conclusions,
- ▶ Appendices, with supporting documents used during the evaluation.

## 2. Evaluation methodology, data collection plan and limits

*This chapter describes the methodology established during the inception phase of the evaluation, as agreed with the CPVO Management Team. It also describes the data collection plan used. Finally, constraints faced by the evaluation team are listed.*

### General approach

Main steps	Main tasks	Deliverables	Period
PHASE 1 : Structuring phase	Preliminary analyses Structuring	Inception report	October - end of November 2009
PHASE 2 : Data collection phase	Questionnaires Interviews		December to February
PHASE 3 : Analysis and reporting phase	Data analysis Responses to evaluation questions Conclusions and recommendations: presentation to the steering committee	Final report	February - end of June 2010

### Formulation of the evaluation questions

The CPVO activities mentioned in the terms of reference raise different evaluation issues. In order to establish clear reasoning and to avoid overlaps between questions, we have organised them around seven evaluation themes and 10 evaluation questions (as detailed in the tables below):

ACTIVITY	THEME
Core activities	Effectiveness and efficiency of application processing
	Effectiveness and efficiency of technical examinations
	Effectiveness and efficiency of denomination checking
	Effectiveness and reliability of decision-making
Secondary/Communication activities	Activities in the framework of the EU
	Communication
	Relation with stakeholders and contribution to international cooperation



The table below details the evaluation themes and evaluation questions, in line with related CPVO objectives.

Main evaluation theme	Evaluation questions
Effectiveness and efficiency of application processing	1: Is the processing of applications working in an effective and efficient way?
Effectiveness and efficiency of technical examinations	2-A: Is the CPVO effectively and efficiently organised to arrange technical examinations? 2-B: Does the CPVO organisation allow for efficient monitoring of Examination Offices regarding examinations performed on behalf of the CPVO?
Effectiveness and efficiency of denomination checking	3: Is the implementation of procedures for checking denominations effective and efficient?
Effectiveness and reliability of decisions-making	4: Is the decision making process reliable and effective?
Activities in the framework of the EU	5: Is the organisation of CPVO activities in the framework of the EU effective and efficient?
Communication	6-A: Is the CPVO internal communication satisfactory? 6-B: Is the CPVO external communication satisfactory?
Relations with stakeholders and contribution to international cooperation	7-A: Are the relationships between the CPVO and the breeders' organisations well organised and satisfactory? 7-B: Are the relationships between the CPVO and the Examination Offices well organised and satisfactory?

## Compilation of the evaluation grids

For each evaluation question, an “evaluation grid” has been compiled. The objectives were:

- Documenting our understanding of the question and of the issues at stake, with, sub-questions, if required;
- Detailing the judgment criteria which give rise to a system of reference allowing the formulation of an evaluative judgment;
- Presenting the types of analysis, indicators and descriptors (qualitative indicators), i.e. the pieces of information needed to conduct the analyses;
- Identifying, for each indicator, the source(s) of information mobilised during data collection;
- Anticipating some limits / obstacles to the exercise.

The evaluation grids can be found in appendix **7.3**.

## Analyses framework

An analytical framework has been defined by the evaluators. It is described in several steps in the evaluation report:

1. The evaluators based their analyses related to effectiveness (achievement of objectives) and efficiency (effectiveness related to inputs) on CPVO objectives. They are specified at the beginning of each chapter on findings (“operational objectives”), allowing the evaluator to systematically make the link between the expected output/result and the ascertained output/result. *See part 3*
2. Findings are described in the part 3 of the report. They are factual. If stakeholders’ opinions are mentioned, they are only considered as facts and not conclusions. The evaluator **does not draw conclusions** based only on comments made by persons interviewed.
3. On the basis of the findings, the evaluators formulate a conclusion. The evaluators respond to the evaluation questions defined in the inception report, on the basis of judgment criteria and indicators. *See part 4*
4. On the basis of responses to evaluation questions and their own experience and judgment, the evaluators propose recommendations. *See part 5.*

## Data collection plan used

An in depth documentary review and 43 interviews have been conducted. The in **depth documentary review** was aimed at;

- Understanding the regulatory framework and its main evolution since the last CPVO evaluation performed in 2001;
- Understanding, within the regulatory framework, the Agency’s objectives and their evolution;
- Getting a good understanding of the main procedures as well as the main responsibilities and tasks of each of the stakeholders.

The documents analysed are listed in the appendix 7.6

Preliminary interviews have been conducted. The main objectives were:

- to understand the expectations of some stakeholders towards the evaluation exercise,
- to have first exchanges on the main issues the Office has to face,
- to understand who the stakeholders are and how the Office is organised,
- to gather first opinions on possible bottlenecks in the system so as to ensure an adequate coverage in our analyses.

The following people were met (**table order does not correspond to the CPVO hierarchy**):

Name	Function	Organisation	Date of the interview	Data collection tool
Carlos GODINHO	Vice-President	CPVO	9 Nov 2009	Face to face interview
Martin EKVAD	Head of the Legal Service	CPVO	9 Nov 2009	Face to face interview
Ton KWAKKENBOS	Technical Expert (Ornamental species)	CPVO	13 Nov 2009	Face to face interview
Bart KIEWIET	President	CPVO	13 Nov 2009	Face to face interview
Thomas WOLLERSEN	Head of the Administrative and Financial Unit	CPVO	13 Nov 2009	Face to face interview
Dirk THEOBALD	Head of the Technical Unit	CPVO	25 Nov 2009	Phone interview

The 2005 IPSOS study provided the evaluation team with useful data on applicants' satisfaction. Therefore, the data collection plan has taken this feedback into consideration by targeting qualitative data (interviews), more than quantitative data (questionnaires).

Data has been gathered through several data collection tools which are presented below. 43 interviews have been carried out.

- ▶ 1 interview with a DG SANCO representative,
- ▶ 1 interview with the President of the CPVO Administrative Council,
- ▶ 22 interviews with CPVO officials,
- ▶ 2 interviews with breeders' associations representatives,
- ▶ 12 questionnaires and interviews with applicants,
- ▶ 5 interviews with Technical Examination Offices.

Target group types	Data collection tool	Target group selected for the data collection	Explanation
CPVO officials (22 interviews)	Face to face interviews	2 Heads of units The Deputy Head of the TU Evaluation-internal audit and control Denomination Assistant Database manager 2 Case Holders 2 registrars 2 secretaries (two units) 2 clerks (two units)	Comprehensive representation of the CPVO

Target group types	Data collection tool	Target group selected for the data collection	Explanation
		Quality audit team leader	
		HR service representative	
		3 assistants from the AFU	
		2 IT experts	
		Webmaster	
Applicants (12 interviews)	Questionnaire and phone interviews	Syngenta	See criteria below
Breeders' associations (2 interviews)	Face to face and phone interviews	CIOPORA ESA	Comprehensive representation of the Breeders' Associations
DG SANCO (1 interview)	Phone interviews	M. Gennatas	European Commission (alternate member of the AC, Commission representative at UPOV).
Examination Offices (5 interviews)	Phone interviews	Naktuinbouw (NL) Bundessortenamt (DE) GEVES (FR) Coboru (PL) Ministry for Food, Agriculture And Fisheries (DK)	These EOs represented a large percentage of the fees paid to European EOs during the 2005-2007 period

Concerning the Examination Offices, one interview was not possible. The Oficina Española De Variedades Vegetales (ES) did not respond to requests sent by the Evaluation Team.

Concerning applicants, the sample criteria for CPVO applicants' interviews were as follows:

1. Requests to represent each crop sector (agricultural, ornamental, fruit, vegetable).
2. A significant European applicant, by number of applications.
3. A significant procedural representative, in terms of number of companies represented.
4. A small or medium size applicant (based on the number of applications submitted), using direct communication with the CPVO, employing limited staff.
5. The diversity of nationalities, with stakeholders acting in principal main markets.

The representativeness of the final sampling is satisfactory. Twelve applicants out of thirty have accepted to be interviewed.

Selection criteria	Final sample	Validated target
<b>Crop sector<sup>1</sup></b>		
<i>Ornamentals</i>	7 (41%)	40%
<i>Agricultural</i>	4 (24%)	33%
<i>Fruit</i>	3 (18%)	13%
<i>Vegetables</i>	3 (18%)	13%
<b>Significant applicant (more than 20 applications)</b>	6	6
<b>Significant representation of companies</b>	2	2
<b>Small applicants (less than 9 applications, average number)</b>	7	4
<b>Diversity of nationalities</b>	7	10

All the data collection tools are detailed in appendix 6.2:

- ▶ Questionnaire to applicants.
- ▶ Interview guidelines with Examination Offices.
- ▶ Interview guidelines with DG SANCO representatives.
- ▶ Interview guidelines with Breeders' Associations.

The Examination Offices sample was selected based on the following criteria:

- ▶ Size.
- ▶ Geographical coverage.
- ▶ Coverage of species.
- ▶ Organisational framework.
- ▶ Clients and invoices covered (2 500 clients per year, 10 000 invoices).

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<sup>1</sup> Hortis Holland and Royalty Administration cover several crop sectors.

## Limits

Globally, the evaluation has not faced any major impediments. However several peripheral limits should be pointed out:

- Applicants' questionnaires/interviews were difficult to collect. Only 12 interviewees (of a target of 15) have responded. It is not considered a major impediment given the fact that interviews have confirmed results of the CPVO customer satisfaction survey in January 2005 (high satisfaction).
- The representativeness of the final sampling is satisfactory however there are four Dutch applicants out of twelve. This is not considered a major impediment given the fact that nearly every year more than one third of all applications received originate in the Netherlands.
- One Examination Office out of six has not been interviewed (no response): Oficina Española De Variedades Vegetales (ES). This is not considered a major impediment given the general consensus of Examination Offices on CPVO performance (confirmed by five interviews).



### 3. Executive summary

**Reminder:** This is an executive summary presenting the main features of the final report on the “evaluation of activities and functioning of the Community Plant Variety Office (CPVO)”. Main points related to objectives of the evaluation, its methodology, main conclusions and evaluators’ recommendations are described. For details, please refer to the core final report and its annexes.

#### **Objectives of the evaluation**

1. The purpose of this evaluation is to assess the effectiveness and efficiency of the Community Plant Variety Office (CPVO) activities. The evaluation is focused on the internal organisation of the CPVO. The Community Plant Variety system is addressed by another evaluation. The evaluation includes the period following the first evaluation of the CPVO, in September 2001, but is focused on the current organisation. The CPVO has been operating since 27 April 1995. Moreover, the CPVO has participated in UPOV<sup>2</sup> activities since 1996.

This evaluation covers three topics:

- ▶ Core activities involved in the Community Plant Variety Rights granting process: quality of processing of applications, organisation and carrying out of technical examinations, checking of denominations, decisions, publications, and activities performed in the framework of the European Union.
- ▶ CPVO secondary activities, which include assistance in the exercise of plant variety rights as well as policy guidance.
- ▶ CPVO communication and relations with the stakeholders, i.e. breeders’ organisations and Examination Offices.

#### **Methodology**

2. After an inception phase carried out in collaboration with the evaluator and the CPVO (an inception report has been produced, defining the evaluation questions to be answered), the evaluator performed an in depth documentary review and 43 interviews:
  - ▶ 1 interview with a DG SANCO representative,
  - ▶ 1 interview with the President of the CPVO Administrative Council,
  - ▶ 22 interviews with CPVO officials,
  - ▶ 2 interviews with the breeders’ association representatives,
  - ▶ 12 questionnaires and interviews with applicants,
  - ▶ 5 interviews with Technical Examination Offices.

The final evaluation report describes the answers to the evaluation questions and the evaluators’ recommendations, which include: the assessments of the evaluators based on judgment criteria, specified indicators and a cross analysis of facts identified during the data collection phase.

#### **Conclusions**

3. A **single application to the CPVO** allows a breeder to be granted a protection throughout the EU: a Community Plant Variety Right (CPVR). It is not a harmonisation of national systems because they exist alongside CPVR. The legal basis of the system is the

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<sup>2</sup> Union for the Protection of new Varieties of plants



European Community legislation<sup>3</sup>. As breeders are CPVO clients, the CPVO is constantly in contact with them and has intensive contacts with two breeders' associations<sup>4</sup> representing the users of the system.

#### CPVO general organisation

4. To manage the system, the CPVO has a legal status guaranteeing its **independence**.

The European Community regulation offers a general strategic framework for the CPVO. However, since end of 2009, the **CPVO has explicitly formulated a strategy**, in the "CPVO strategic plan"<sup>5</sup>, which sets forth policy and management objectives. It was necessary to refine the strategic framework given the fact that the European community regulation only provides the CPVO with general objectives. The **strategic plan** analysed by the evaluators describes several levels of objectives (general, specific and operational<sup>6</sup>). **The strategic framework is clear and well structured**.

5. The CPVO is managed by a **President** appointed by the Council of the European Union. The President is assisted by a **Vice-President**. The **Administrative council**, composed of a representative of each Member State and a representative of the European Commission, is the budget authority. The Administrative council orients the CPVO, provides it with advice and monitors its activities. The CPVO currently has **46 members of staff** (30 during the last evaluation in 2001, +53%). At the same time, the CPVO has dealt with a growing number of applications (average of +5% per year between 2001 and 2008, -9% in 2009 with the previous year)<sup>7</sup>. 2 158 applications were processed in 2001, 3 014 in 2008<sup>8</sup> (+39%). At the end of 2009, 16 783 Community plant variety rights were in force (average of +22% per year since 1997). Considering the fact that additional services are now provided by the CPVO to clients and Examination Offices, the increase in the CPVO staff is not unreasonable.
6. The CPVO organisation is divided into **two units** (technical unit / administrative and financial unit), **three transversal services** (legal, human resources and IT) and one **independent service**, responsible for the quality auditing of Examination Offices (created in 2009<sup>9</sup>: the quality audit system, **QAS**). The **accountant** reports directly to the Administrative council (even if the administrative superior is the Head of Finance and Administration) but his independence is not clearly formalised in the organisation chart: it could be clarified. Otherwise, the **description of the CPVO organisation is well structured, observing EU legislation**. Moreover, the organisation has been designed to ensure **uninterrupted service** (each function has a back-up).
7. The President is clearly the legal authority<sup>10</sup> in charge of the final decision and the detailed work plan specifies who is responsible for each project/activity<sup>11</sup>. Therefore, the **decision making process is clear and transparent**.
8. **Resources dedicated to management represent 11% of CPVO staff**<sup>12</sup>. The legal framework of the CPVO requires a president and one or more vice-presidents. The

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<sup>3</sup> Council Regulation (EC) N°2100/94 of 27 July 1994 and several regulations afterwards

<sup>4</sup> CIOPORA, ESA

<sup>5</sup> The strategic plan is in progress. The evaluator founds his opinion on draft 8 of the plan.

<sup>6</sup> This terminology is used in the European Commission methodology described on EVALSED, [http://ec.europa.eu/regional\\_policy/sources/docgener/evaluation/evalsed/index\\_en.htm](http://ec.europa.eu/regional_policy/sources/docgener/evaluation/evalsed/index_en.htm)

<sup>7</sup> 2009 is the first year of decrease in the number of applications since the creation of the CPVO. The economical cyclical effect has to be taken into consideration in the analyses.

<sup>8</sup> 2 755 in 2009

<sup>9</sup> The start of the assessment program was scheduled for the beginning of 2010.

<sup>10</sup> "Decisions of the Office shall [...] be taken by or under the authority of the President of the Office". Art 35 council regulation (EC) no 2100/94 of 27 July 1994 on Community plant variety rights

<sup>11</sup> Terminology used by the CPVO

recruitment of a Deputy Head for the technical unit (TU) is a response to the workload of the Head of the TU. Furthermore, the recruitment of a Deputy Head can be used as a way to propose a career opportunity. The evaluator notices that current functions back-ups cover a need for business continuity. Nevertheless, **if the management team were to be further reduced<sup>13</sup>, two main solutions should be considered:**

- Merging functions (as already implemented for human resources and IT): a vice president head of unit and/or a head of unit who is also head of the legal service...
- Reduction of the number of managers.

The evaluator considers **both choices to be of equal merit**. The evaluator notices that the possibility to implement changes depends on the President, the Vice-President and managers' profiles. Moreover, the evaluator is aware of the limited possibilities resulting from obligations the CPVO must cope with (in particular EC regulations, segregation of tasks, etc.).

9. The **number of EU languages** spoken by the CPVO staff is **excellent<sup>14</sup>**, considering the size of the agency: thirteen countries are represented within the CPVO staff, and 11 languages are spoken.

#### CPVO processes and staff allocation

10. The range of IT tools has been greatly enhanced. Services for clients are available (denomination database, e-communication facilities, e-publication<sup>15</sup>, application supervision, e-filing ...) as well as IT tools for the CPVO (document management...). CPVO has carried out projects of dematerialisation. They aim at increasing the **efficiency** of the work which is clearly a **relevant choice**. Electronic means (as allowed by EU regulation N°874/2009) offer an opportunity to increase efficiency in the decision making process (through increased flexibility and availability of documents). A project of e-signature is in progress.
11. Two issues related to the workload could be pointed out:
  - Several projects (especially IT) have been conducted between 2001 and 2010. Some of these projects engendered transitional effects.
    - The most relevant example has been the project DOCMAN: there was (temporarily) a **growing involvement of CPVO experts in administrative activities or extra projects (IT working groups, IT tests...)**.
    - Transitional effects should be better anticipated if new structuring projects have to be conducted.

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<sup>12</sup> The evaluator reminds the reader that the CPVO is a self financed agency and does not rely on EC subsidies.

<sup>13</sup> A benchmark between different agencies is difficult to analyse (not the same scope of activities, not the same issues to deal with). But for instance, in the organisation chart of the EU-OSHA, 7% of the staff (total 69) are dedicated to management (however, if communication and ICT management are included, 13% of the staff are dedicated to management). In the organisation chart of the EMEA 2008, 28 senior and middle managers are identified: 6% of the staff (481).

<sup>14</sup> CPVO customer satisfaction survey January 2005: 94% of the clients are satisfied, and 77% of them are extremely or very satisfied with the languages used by the CPVO. All the clients interviewed during the Ernst & Young evaluation were satisfied (the sample included clients from The Netherlands, China, Ireland, Belgium, Spain, Sweden and Germany).

<sup>15</sup> In 2009 three publications in electronic format (the Official Gazette of the Office, the Annex to the Annual report and the S2 gazette) were produced internally at the CPVO. They will be available from 2010.

12. The CPVO deals with support/secondary activities<sup>16</sup>, more or less directly linked to the application process (**UPOV, policy guidance, CPVR enforcement**). This is clearly in line with the CPVO strategy and is therefore **relevant**. Moreover, performing these activities is a motivating element for CPVO staff members. **Time dedicated** to these activities is sometimes **substantial** (estimation 15-20% for some Case Holders<sup>17</sup>). Therefore, **the adequacy between the strategic priorities and the time dedicated to the achievement of objectives could be refined (adequacy between the level of input and the importance of the objective)**. Yet, the evaluator notices that prioritization of CPVO tasks could imply a side effect: postponement or non performance of tasks defined as minor, or less important. Therefore, the choice to define or not strategic priorities should be endorsed by the President. **These issues have to be monitored. Measurement of the workload<sup>18</sup>** could be a solution but it is a complex process to perform. Several projects conducted within other public organisations show that staff are often reluctant<sup>19</sup>.
13. CPVO core activities are consistent with the **application process** allowing for the division of the Community Plant Variety Protection into 5 main steps:
- Filling the application,
  - Checking the application,
  - Carrying out a technical examination,
  - Checking for variety denomination,
  - Granting of title.
14. The **definition of processes is clearly formalized and centralized** in the work plan and three vademecums. The CPVO work on processes, still in progress, is relevant. It follows a structured approach of objectives/inputs/monitoring/responsibility. However, the structure of the vademecum for staff procedures could be clarified. Moreover, **the vademecum is quite short on operational aspects**.
15. **The principle of organisation is highlighted by the specialization of Case Holders in crop sectors** (currently two groups of specialization exist: fruit/ornamental and vegetables/agricultural, allowing for substitution in the case of one being unavailable). The organisation is effective but **not as flexible as it could be** if it adopted a transversal organisation (no specialization on crop sectors). Case Holders' expertise is one of the key strengths of the CPVO, and stakeholders are attached to this expertise, but it could be maintained with a re-allocation of tasks within the CPVO staff. The evaluator notices that the CPVO has already started to implement changes towards a mix between transversal competences and specialization.
16. **The evaluator** has identified several staff allocation issues which should be taken into consideration:
- (a) Since the implementation of Docman (the IT tool dedicated to **document management**), **scanning** of paper documents is a substantial part of the workload. A **"mail room"** is organized in order to effectively manage activity peaks. Coordination of staff already allows a flexible organisation between several tasks (reception, scanning, archiving, assistance on letters). It is a suitable approach, considering the fact that the number of applications, and therefore documents, varies from one period to another. **Staff members' versatility has to be strengthened** so as to reduce the workload for technical staff members, since part of the scanning work is performed by the register. The mail room staff, or assistants, should be in charge of these tasks.

<sup>16</sup> The evaluator defines CPVO core tasks as the processing of applications stricto sensu.

<sup>17</sup> Workload estimation based on Case Holders work notes (*source: Technical Unit*).

<sup>18</sup> For instance time-motion study techniques

<sup>19</sup> For instance, some projects currently performed in France (in the frame of the RGPP, *revue générale des politiques publiques*), especially concerning the merging of services (*CSP, centre de services partagés des services déconcentrés de l'Etat*), show that workload measurements are difficult to implement (trade unions, staff reluctance).

Moreover, the mail room could be re-organized when the online application process is operational: there will be a reduced number of letters to open (and stamping incoming mail)<sup>20</sup>.

- (b) 4 FTE are allocated to the **registration**, despite the fact that the number of applications varies from one month to another.

- Even if other types of tasks interfere with a strict approach application/workload (especially the maintenance of the CPVO registers and the tasks related to that, Gazette every two month...), the scope of the register staff should probably<sup>21</sup> be more flexible: some staff resources should be used on other tasks than register during “low peaks” (it is already the case to some extent, with the maintenance of the CONTACT database for example).
- Moreover, one of the main objectives in terms of output is not achieved (deliver return receipts 5 working days after the arrival date) but this indicator of performance has been greatly improved since the last evaluation in 2001. However, the definition of the indicator could be clarified: a reference frame should be defined and the frequency of analyses should be specified (monthly, yearly). This has already been identified by the CPVO and the project is in progress. The objective should therefore be reached quickly.
- Considering the input dedicated to the register (4 FTE, more than 8.5% of the staff), it could become a priority. The evaluator is aware that the register workload is not static and in particular that the number of varieties under protection increases every year. However, substantial productivity gains resulting from the implementation of the online application process will be an opportunity to reorganize the register (less opening of applications, less scanning, potential automation of tasks)<sup>22</sup>.

(c) All clients interviewed are satisfied by the **denomination process**. The transparency of the denomination process is ensured, notably through the case law register, accessible for main stakeholders. The organisation of preliminary denomination testing contributes to a procedure without problems, although it does not avoid diverging decisions taken by different authorities (in order to avoid such divergences, the CPVO has favoured enhanced collaborations with authorities). One staff member is involved in the management of two databases (the denomination and the CONTACT database, offering a coherent gathering of tasks). However, the fact that **two FTEs are almost fully dedicated to the denomination could be highlighted**. Yet, the strict scope of tasks on the denomination testing (centralisation of denomination testing, database of denominations, tests of denomination proposals) appears to be relatively limited. The denomination testing and services provided (direct access to denomination database for clients, advice to clients, UPOV denominations, in the future a “prior free consultation”...) have been strengthened progressively, and it is clearly appreciated by stakeholders. If it is considered by the CPVO that too many FTEs (2 FTE, 4% of staff) are dedicated to denomination<sup>23</sup>, the current scope of denomination services could be adapted and then reduced. The evaluator considers that regarding stakeholders’ satisfaction and CPVO constraints (in

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<sup>20</sup> 15% of the workload is dedicated to this task (source: Technical Unit)

<sup>21</sup> “probably” because the conclusion should be supported by a measurement of the workload, in order to objectively assess to what extent the decrease in the workload related to the “low peaks” is offset by other activities (maintenance of the CPVO registers for instance)

<sup>22</sup> The first tests conducted on a sample of 9 online applications show that time required to process an application decreased from 2 weeks to 3 hours (Source: CPVO Vice President).

<sup>23</sup> Workload measurement would be possible. However it is a more transversal issue (see below).

particular constraints related to service quality), the denomination process can be considered as effectively organised.

**As previously mentioned, these issues have to be monitored and a measurement of the workload<sup>24</sup>** could be a solution to specifically define the most effective changes which should be actioned.

### Fees and payment processes

17. **The Fees definition** process is clear and transparent. Constant dialog with Examination Offices and clients is favoured. Some clients interviewed ask for a reduction of the fees but the criticism is never focused on the decision process<sup>25</sup> therefore it is not an organisational issue. Concerning the **payment of fees**, the choice has been made to invoice throughout the year. Some clients ask for one payment per year (especially for clients representing a group of breeders, who have to deal with a lot of invoices) however, the Accountant has a legal obligation to collect payments owed to the Office within the shortest time frame. It is not cost-efficient for the CPVO to allow an annual payment in arrears. Therefore, the evaluator considers that **it is not relevant to change the system**, except if the management decides to fulfil needs expressed by a part of breeders (and it will imply a cost)
18. There is an option to make payments with charge accounts ("compte-courant demandeurs"): this is a **relevant approach to reduce the administrative burden for clients**.
19. The CPVO internal organisation of **invoice initiation and processing** is effective. Average delays are satisfactory. Clients are satisfied: financial procedures are valued<sup>26</sup>.
20. The **CPVO runs the risk of non payment** by the client if Case Holders allow an examination to begin before the payment of examination fees by the client has been registered. The evaluator notices that a procedure is in place to monitor this issue, and Case Holders receive automated reminders (PVR): this is a first answer to the issue but the risk still exists. Even if the total amount is minor and the risk is therefore marginal, the evaluator believes that the application process should be blocked: amounts at stake could increase especially during a period of economic slump. Moreover, it would be a clear message from the CPVO in terms of operational performance.

### Objections and appeal procedures

21. **Objection** procedures and **appeal** procedures are implemented within the CPVO (a Board of Appeal has been set). Further appeal could be undertaken to the Court of Justice of the European Communities. Procedures are carefully designed, the process is therefore **transparent**.
22. All **communication** with the applicant during the objection process should be carried out by the Legal Service. The CPVO procedure is clear. However, some Case Holders are involved in the processing of objections, acting as intermediates with the client. It **could be entirely delegated to the legal service** and, therefore, the breakdown of tasks between the Legal Service and the TU could be changed. However, it is clearly a choice made by management, and it is **not an urgent organisational issue**.

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<sup>24</sup> For instance time-motion study techniques

<sup>25</sup> The most frequent remark (4 clients out of 12) is focused on the system itself: why do they have to use an intermediate (the CPVO) that can be considered an administrative burden? It could be a communication issue for the CPVO

<sup>26</sup> CPVO customer satisfaction survey January 2005: 88% of the clients are satisfied by the financial procedures. All the clients interviewed during the Ernst & Young evaluation were satisfied.

CPVO and Examination Offices

23. The technical examinations of candidate plant varieties are performed by entrusted **Examination Offices located in different EU Member States**. The CPVO AC is in charge of Examination Offices entrustment. These Offices carry out tests and provide the CPVO with reports. These Offices differ from each other with regards to their size, organisation and statute (public/private). **Dialog** is permanent between them and the CPVO. Indeed, Examination Offices employ large amounts of manpower, and the CPV system is dependent on the effectiveness of their work. **Examination Offices are globally satisfied<sup>27</sup> with the CPVO** involvement and it could be considered as a correct impact indicator (notably, electronic exchange of information has been greatly improved since the last evaluation in 2001). The network of technical liaison Offices (TLOs) is a relevant intermediate for the CPVO and globally, it is effective. However, if TLOs are not reactive enough, they are no longer useful for the system and could even be counterproductive. The nomination process for the TLO should be flexible enough to allow new appointment; **however, the evaluator notices that the CPVO is not in charge of nominating TLOs**. It is so far a responsibility of the relevant AC member.
24. The formalization of the link between the CPVO and Examination Offices is effective, through designation agreements.
25. Two phases are necessary to **select Examination Offices**: entrustment and designation. Once Examination Offices are entrusted for a particular genera or species, they can be designated by the CPVO to perform technical examination of a specific variety. Concerning the designation process, defined criteria have been approved by the Administrative Council. However, the introduction of QAS requires an adaptation of these criteria (not yet approved by the Administrative Council, due in October 2010).
26. The evaluator considers that the QAS is a **relevant way to organise a cost-effective quality audit**. Actually, attracting competent experts to perform the audits and assess quality criteria is a crucial issue. Considering the specificity of the scope of activities, it would have been nearly impossible to find competent manpower outside of the expert bodies in charge of examinations. Moreover, the use of external auditors would have been far more expensive. The evaluator is confident in the fact that the QAS will **improve the transparency of the PVR system** and, therefore, the **CPVO<sup>28</sup>**.
27. The **monitoring of Examination Offices** regarding reporting deadlines is not currently automated. This is not a central issue, considering the high level of management supervision, but it could be easily structured with PVR. Warnings could be automatically sent to the Examination Offices. Considering difficult cases, Case Holders manage effectively on a case by case basis and under the supervision of the difficult cases committee.
28. The **delays in the examination process** are on the whole difficult to compress. However, several opportunities for improvement exist. Some of them could be quickly implemented, depending on the CPVO (the delay between the arrival date of incoming documents and the sending date, the delay between the arrival date of the final report and the decision, the delay between the sending of the final report to applicants and their answers<sup>29</sup>). Contracts clauses on penalties could be applied. Others are more indirect and should be obtained through strengthened communication (the transmission of preliminary, interim and final reports by Examination Offices). The reminder process to EOs can be fully automated (no room for interpretation by the Case Holder). Communications to Examination Offices on schedules should be strengthened. Several CPVO projects on these issues are in progress.

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<sup>27</sup> All the Examination Offices interviewed were satisfied (5 out of 5)

<sup>28</sup> After a few mock audits performed in 2009, the first audits start in 2010.

<sup>29</sup> 2 month are prescribed by the legal basis

CPVO and UPOV

29. The **CPVO has close relations with the UPOV**. The direct consequence for the CPVO is a significant involvement in the work of that international organisation. The CPVO strategic plan is clear concerning international cooperation. Some Case Holders are especially involved in UPOV working groups, however, because their core tasks concern the application process or because they are partially absorbed by new tasks, it might be investigated if the **work they are expected to perform for the UPOV could be postponed, or even reduced**. This is an additional reason to **modify staff allocation**<sup>30</sup>.
30. Other international relations (OECD, MBP, OAPI) are clearly defined (strategic plan, detailed work plan, activity report). The multi beneficiary programme (objective: inform candidate countries for EU accession about technical, administrative and procedural aspects of the CPVR system) is monitored and the evaluation of the inputs could be extended to the scope of wider international relations (activity and travelling days spent during the programme are monitored). The adequacy between CPVO inputs and expected outputs should be regularly monitored<sup>31</sup>..

Monitoring

31. A detailed study on indicators has been performed by CPVO staff and it is formalised in the strategic plan, the work plan and the annual report. All the activities of the CPVO are broadly covered. Indicators are easily available (CPVO IT tools; PVR, EPM...). Five elements can be pointed out:
- (a) A list of nearly one **hundred indicators** has been compiled, but without any definition of priorities. However, the Management Team uses a small set of indicators during the Management Team meetings. They could be analysed as **Key Performance Indicators**: it is a relevant approach in terms of management (management based on results). The work is still in progress and should be achieved.
  - (b) **Client and Examination Office feedback is primarily informal**. This is due to the fact that the CPVO manages a very specific sector therefore direct contact is easy. However, direct contact could be strengthened and some applicants<sup>32</sup> are favourable to punctual consultations (CPVO website is an opportunity).
  - (c) **Communication is not effectively monitored**. Website offers great opportunities for refined monitoring, but they are not employed.
  - (d) **Prospective monitoring** is limited. It has been based, since the creation of the CPVO, on the analysis of application trends (linear, yet decreasingly relevant since last year, when for the first time there was a decrease in the number of applications submitted). Consequently, the implementation of prospective indicators should be studied in order to secure management anticipations.

CPVO and IT projects

32. The organisation of **IT projects is clearly formalised**. The summary is described in the IT master plan, specifying the upcoming projects for the next 3 years. However, the prospective approach is basic, and the IT master plan is quite evasive on the years n+1

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<sup>30</sup> See part CPVO processes and staff allocation of the execution summary

<sup>31</sup> The evaluator is aware of the difficulty to assess and measure CPVO inputs and outputs (long term approaches, difficulties to identify causal links when facing a specific impact...). However, qualitative indicators measuring (for instance) time dedicated to these projects from one year to the other could be implemented

<sup>32</sup> Four clients interviewed out of twelve have spontaneously mentioned the point. All the clients interviewed were favourable to the process of consultation performed during the evaluation.

and n+2. The global **management of IT projects is done by a “generalist”, the Vice President**, who is supported by IT managers and user managers appointed for each IT project. If IT projects were to increase in importance and in technicality within the CPVO activities, it could be relevant to appoint a manager expert on IT (as the Head of Legal Service for legal issues); the evaluator notices that this option would be relevant in particular if the project coordination responsibility (currently placed in the hands of the Vice President) were to require further technical skills.

33. The CPVO does not encourage **outsourcing when it is not clearly necessary**. The objective is to reach a high flexibility. It is a choice of management, and no incoherence could be pointed out on this choice, from an organisational point of view. The CPVO has faced some difficulties with service providers concerning some of the projects outsourced (recently the case for two service providers). From the evaluation point of view, the **reception of IT products** could be the explanation. Testing is frequently performed within the CPVO, by users, but because they are involved in other tasks, users do not dedicate enough time to carry out tests<sup>33</sup>. Moreover, they are not used to performing IT testing and do not identify potential difficulties.

#### Customer relationship and external communication

34. **Clients are globally satisfied**<sup>34</sup>. The perception of the application process is positive. The **rate of appeals is very low**<sup>35</sup>. Since 2001, new services for clients have been developed<sup>36</sup>. There is no exhaustive formal procedure describing the communication process towards clients except a procedure on administrative good behaviour, and a concise part in the CPVO work plan however this is not an issue of effectiveness, considering the high level of clients' satisfaction. Moreover the CPVO deals with a reduced number of well known clients and Examination Offices. Consequently, the evaluator concludes that **the customer relationship is well organised and effective**.
35. The strategy concerning external communication is not formalized. It is true that the CPVO “market” is very small however several **factors could support the objective of a more active external communication**.
- For the first time in 2009, the number of applications decreased. This evolution seems more related to cyclical factors (economic downturn), rather than related to structural factors.
  - Trademarks, patents could compete with the CPVR system in the near future.
  - Some potential clients might not be aware of the advantages of the CPVR system.
- One FTE is dedicated to public relations.

36. All the clients and Examination Offices interviewed during the evaluation were satisfied by the CPVO communication and communication tools. Moreover, several improvements have been carried out, notably concerning website communication. Therefore, **communication tools are considered as satisfactory**. However, the recurrent participation in fairs could be challenged by comparing the costs of participation to potential gains (number of clients reached through the participation in the fairs, tangible return on investment...). **Communication can be improved and messages can be tested before a global communication is issued**. Sometimes, confusing messages are communicated. For instance in the case of online payments, some clients mistakenly

<sup>33</sup> For instance, IT was outsourced on the project of online applications.

<sup>34</sup> CPVO customer satisfaction survey January 2005, confirmed by 2010 evaluation interviews.

<sup>35</sup> Only 135 appeals have been registered since the creation of the CPVO. This rate is quite low considering the fact that:

- The CPVO has dealt with applications since 1996.
- This figure includes also appeals between breeders.

<sup>36</sup> Extended denomination database, refined website, online application since March 2010...



understood that it would be accessible quickly<sup>37</sup>. When fees have been recently increased, several clients have not understood the background of the decision<sup>38</sup>.

#### Internal communication

37. A **strategic framework has been developed to cover internal communication**. Several improvements have been carried out and the general feedback is positive internal communication has improved since the last evaluation in 2001. A lot of information is **available** but information is **not always prioritized**. The distinction between active communication (from the receptor to the communicant) and passive communication (from the communicant to the receptor) is not used.

#### The Data Protection Officer

38. The **Data Protection Officer (DPO) fulfils his objectives** considering the protection of personal data. He manages the link and responds to requests with the EDPS (European Data Protection Supervisor) and keeps an inventory of the data processing operations of the CPVO.

#### Human resources service

39. CPVO staff members are satisfied overall with the HR services. The formalization of the HR process is clear however, some documents are not yet updated but in progress (implementation of staff regulation, job descriptions). The HR service performs a lot of tasks, notably administrative (reimbursement of missions, scanning). Some core tasks could not be performed on time (for instance updating of job descriptions). Consequently, the adequacy of inputs dedicated to HR services management is questionable. The evaluation notices that a **transfer of workload cannot be organized from the HR service to other assistants** due to confidentiality issues. However, a **transfer of workload from the HR service to the legal service could be organised** on legal issues.
40. **Career development is managed** taking into consideration CPVO constraints (reduced possibilities of career development because of the reduced size of the staff, reduced mobility of the staff). The evaluation process of staff is not strictly linked to career development; it is a deliberate choice of management, therefore is not questionable. Since 2010, the evaluation process has been clearly linked to the annual work programme of the agency.
41. **Training is** related to the staff evaluation process, and therefore to the CPVO annual work programme. Training is performed on the basis of staff' needs identification. Internal communication should increase staff awareness of management expectations.

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<sup>37</sup> CPVO staff' feedback (two), confirmed by two clients interviewed.

<sup>38</sup> CPVO staff' feedback (two), confirmed by eight clients interviewed.

## **Recommendations**

The recommendations are grouped into action priorities. For each recommendation, the number of the conclusion founding the recommendation is specified at the end (*Italics*)

### **Strategy/prospective approach**

42. As the adequacy between the strategic priorities and the time dedicated to the objectives achievement could be refined (adequacy between the level of input and the importance of the objective), objectives should clearly be prioritised in the CPVO strategic plan. CPVO input (notably staff allocation) should be in line with the hierarchy defined between objectives. *Conclusion 11*
43. Perform a study on indicators for prospective analysis. The objective should be to define or identify one indicator or set of indicators that are easy to monitor, allowing for a credible prospective approach on the application numbers. Each crop sector could be analysed separately. For the purpose of transparency, the process should associate breeders' representatives (CIOPORA, ESA), crop sector syndicates (EDIFRUIT...), Examination Offices, DG Sanco... Statistics institutes should collaborate. *Conclusion 31 (d)*

### **Organisation chart, processes and staff allocation**

44. The independence of the accountant should be clarified in the organisation chart. *Conclusion 6*
45. Taking into account potential staff reluctance, a measurement of the CPVO workload<sup>39</sup> could be performed. It could be done by the CPVO service in charge of Evaluation - Internal Audit and Control, or it could be outsourced. The scope and aims of such a project should be very well explained to staff to avoid confusion. *Conclusion 12*
46. Study the opportunity of optimising the management team (*conclusion 8*) :
  - a. Merging of functions: a vice president head of unit and/or a head of unit who is also head of the legal service...
  - b. Reduction of the number of managers.
47. A flexible organisation of Case Holders could be defined. They would intervene on all crop sectors during the application process. They could maintain an expertise for UPOV activities. *Conclusion 15*
48. The organisation of the mail room should be reviewed when the electronic means of communication will be used. There will be a reduced number of letters to open (and stamping incoming mail). Staff flexibility should be favoured: for instance, they could assist HR service or Case Holders. They could be more involved in inventory, purchasing and communication tasks. This recommendation could be linked with the 4th recommendation (point 45). *Conclusions 16 (a) and 29*
49. Registration staff should be used on other tasks than registration during activities drops (considering the resource allocation of 4 FTEs). Moreover, the online application process will be an opportunity to reorganize registration (no more opening of applications, less scanning, potential automation of tasks). They could assist Case Holders on the application process. This recommendation could be linked with the 4th recommendation (point 45). *Conclusions 16 (b) and 29*
50. The objective of the denomination process could be restricted, consequently influencing the scope of the control. If a more limited scope was defined, inputs dedicated to the denomination process could be re-allocated. This recommendation could be linked with the 4th recommendation (point 45). *Conclusion 16 (c)*

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<sup>39</sup> For instance time-motion study techniques

51. If the management team were to be reorganised the opportunity to appoint an IT expert member of the management team should be considered. The IT management could be done by an IT expert, considering the fact IT projects are becoming more and more significant in the CPVO activities. *Conclusion 32*
52. New allocation of tasks on UPOV could be defined because some of the Case Holders manage several crop sectors (fruit / vegetable): one Case Holder could manage one crop sector. *Conclusions 15 and 29*
53. If future projects (online application for instance) increase the CPVO efficiency and if no additional tasks have to be performed, the HR service could be reduced. *Conclusion 6*
54. Selection criteria for the designation process should be adapted by the CPVO and communicated to the Examination Offices. *Conclusion 25*
55. The reception of IT products should be more frequently outsourced on significant IT projects (as it was the case for the on line application project). This does not mean that CPVO staff will not be involved (as this is a necessary step) but the reception of IT products requires competencies, experience and time to perform tests thus IT project management would be made easier and risks would be reduced. *Conclusion 33*

### **Monitoring**

56. The monitoring of delays of the Examination Offices, concerning examination reports delivery, should be automated. Penalties could be implemented. However, it would be relevant only if the reduction of examination delays becomes a priority within the CPVO. If not, it could create undue tension with the Examination Offices. *Conclusions 27 and 28*
57. The application process should be blocked when clients do not pay before the examination. *Conclusion 20*
58. The RACER (relevant/accepted/credible/easy to monitor/robust) methodology used in the Ernst & Young evaluation could be used by the CPVO to define its most relevant indicators. On this basis, a set of key performance indicators could be defined. *Conclusion 31 (a)*
59. The web/extranet communication should be monitored (Number of visitors, Browser used, Key words, Related websites, Geo localisation, Number of consecutive clicks, Average time spent on a webpage or the website, EOs and clients profiles, through an external processing (XiTi), Number of Gazette, Number of public access). *Conclusion 31 (c)*
60. The monitoring of travelling days should be extended to all the CPVO meetings (UPOV, enforcement of the CPV system...). On this basis, the adequacy between CPVO inputs and expected outputs should be regularly monitored. *Conclusions 30 and 31 (d)*
61. Clients' surveys could be regularly organized. Because lassitude could rapidly occur, it could be done on a voluntary basis (except for large surveys, for instance every four years). The survey could be performed through the extranet. These ad hoc surveys could be very short (4-5 questions for instance), and focused on one specific theme. Surveys would be modified every three months for instance. 4 surveys could be performed per year (20 questions). Clients should be identified and a typology should be defined (small clients/big clients, nationality, and recurrence of requests...). *Conclusion 31 (b)*
62. If new CPVO projects have to be conducted (as this is the case for the online application process for instance), transitional effects should be anticipated. Project management could emphasise risk assessments (ex-ante analysis) and impact assessments on the organisation (ex-post analysis). *Conclusion 11*

**Communication**

- 63. An analysis of the ratio cost/expected benefit should be performed before approving the participation in fairs. The same cost / benefit analysis should be performed after the event, in order to verify that objectives have been met. *Conclusion 36*
- 64. The distinction between active communication (from the receptor to the communicant) and passive communication (from the communicant to the receptor) should be used in order to prioritize communication messages. *Conclusion 37*
- 65. A strategy on external communication could be formalised. *Conclusion 35*
- 66. Messages could be tested before a global communication. *Conclusion 36*

## 4. Findings

***Chapter 3 describes the facts relevant for the evaluation process. On the basis of these facts, evaluators have drawn their conclusions.***

Findings are divided into 13 sub-chapters:

1. The strategy of the CPVO organisation
2. The CPVO organisation: global findings
3. Application process (CPVO – Applicants)
4. Application process (CPVO – Examination Offices)
5. The organisation of controls, audits and evaluation
6. Legal affairs
7. International cooperation
8. Enforcement of CPVR system
9. Monitoring
10. IT and its impact on the CPVO organisation
11. External communication
12. Internal communication
13. Human resource management

## 1) The strategy of the CPVO organisation

*Reminder: the evaluation is focused on the CPVO organisation. The objective of the following paragraphs is not to describe the entire CPVO strategy, but only the strategy with a direct influence on the organisation.*

### **Operational objective : All objectives**

Source: CPVO strategic plan draft 8

#### 1. The link between EU regulation and the CPVO strategy

CPVO documents and staff constantly refer to the legal basis:

- Council Regulation (EC) N°2100/94 of 27 July 1994 on Community Plant Variety Rights
- Regulation (EC) N° 1238/95 31 May 1995 establishing/implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office
- Regulation (EC) N° 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
- Regulation (EC) N° 1049/2001 of the European parliament and of the council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents
- Council Directive N°2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species
- Regulation (EC) N° 1177/2005 of 20 July 2005 amending Regulation (EC) No 1238/95
- Financial regulation of the community plant variety office adopted by the administrative council on 16/09/03
- Regulation N°874/2009 of 17 September 2009, recast of the proceedings regulation (EC) n° 1239/95 establishing/implementing rules for the application of Council Regulation (EC) No 2100/94
- Regulation on data protection (45/2001)

#### 2. Formalisation of the strategy

A strategic framework has been defined in several key documents of the CPVO:

- A strategic plan describing CPVO missions, stakeholders, guiding principles, strategic goals and management objectives<sup>40</sup>.
- A work plan (still in progress) describing the breakdown by projects and activities. For each of them, the following elements are specified:

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<sup>40</sup> The strategic plan is in progress and has been recently developed. The evaluator founds his opinion on draft 8 of the plan.

- The objective of the process.
- The description of the process.
- The person responsible.
- Resources allocated.
- Performance indicator.
- An IT master plan describing software project organisation for the next three years. The IT master plan specifically deals with the current year and is less specific regarding the following years.
- An internal communication policy describing communication needs and guiding principles.

Objectives are distinguished between global, specific and operational objectives<sup>41</sup>. Objectives are linked with activities and indicators. A long term strategy has been explicitly formulated but only since the CPVO strategic plan was developed<sup>42</sup>. On the basis of CPVO objectives, the evaluator has been able to understand the strategy and to formalize an objectives tree<sup>43</sup>.

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<sup>41</sup> Terminology refers to the European Commission methodology: see EVALSED website for further details.

<sup>42</sup> The long term strategy is defined as the global objectives, referring to impacts (long term effects), and not results or outputs (short term effects). Regarding the strategic plan, it could be defined as the four policy/management objectives: Optimize Community Plant Variety Rights (1)/ Improve International Cooperation in Plant Variety Protection (2)/ Contribute to the enforcement of Community rights (3)/ Achieve Organisational excellence (4).

<sup>43</sup> See appendix 6.4.2. The “objectives tree” formalizes links between objectives and therefore emphasises the coherence (or otherwise) of the strategy

## 2) The CPVO organisation: global findings

**Operational objective :** All operational objectives related to the specific objective “achieve organisational excellence”

Source: CPVO strategic plan draft 8

### 1. Overview of the CPVO organisation

A single application to the CPVO allows a breeder to be granted a protection throughout the EU: a Community Plant Variety Right (CPVR). It is not a harmonisation of national systems because they exist alongside CPVR.

To manage the system, the CPVO has a legal status guaranteeing its independence<sup>44</sup>.

The CPVO is self financed. CPVO revenue comprises fees paid by applicants for Community Plant Variety Rights and by holders of Community Plant Variety Rights, as well as interest received on bank accounts.

**Figure 2: CPVO revenue/expenditure**

Millions€	2009	2008	2007	Millions€	2009	2008	2007
Fees	11,39	9,65	9	Staff expenditure	5,2	4,8	4,6
Bank interest	0,16	0,75	0,5	Administrative expenditure	1,4	2,1	2,5
Other revenue	0,24	0,25	0,1	Operational expenditure	5,3	4,8	5,1
<b>Total revenue</b>	<b>11,8</b>	<b>10,65</b>	<b>9,6</b>	<b>Total expenditures</b>	<b>11,8</b>	<b>11,7</b>	<b>12,2</b>

Source: CPVO annual reports

#### **European agencies and the CPVO**

The budget of individual agencies ranges from €8 million (ENISA) to €318 million (OHIM). The CPVO has the 6th smallest budget amongst agencies (at the end of 2008)

The workforce is the 4th smallest amongst agencies (at the end of 2008).

Source: evaluation of the EU decentralized agencies, 2009

<sup>44</sup> Article 30-1 and 30-2 Council regulation (EC) N° 2100/941 : “The Office shall be a body of the Community. It shall have legal personality” and “In each of the Member States, the Office shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.”



## 2. CPVO documents describing the CPVO organisation

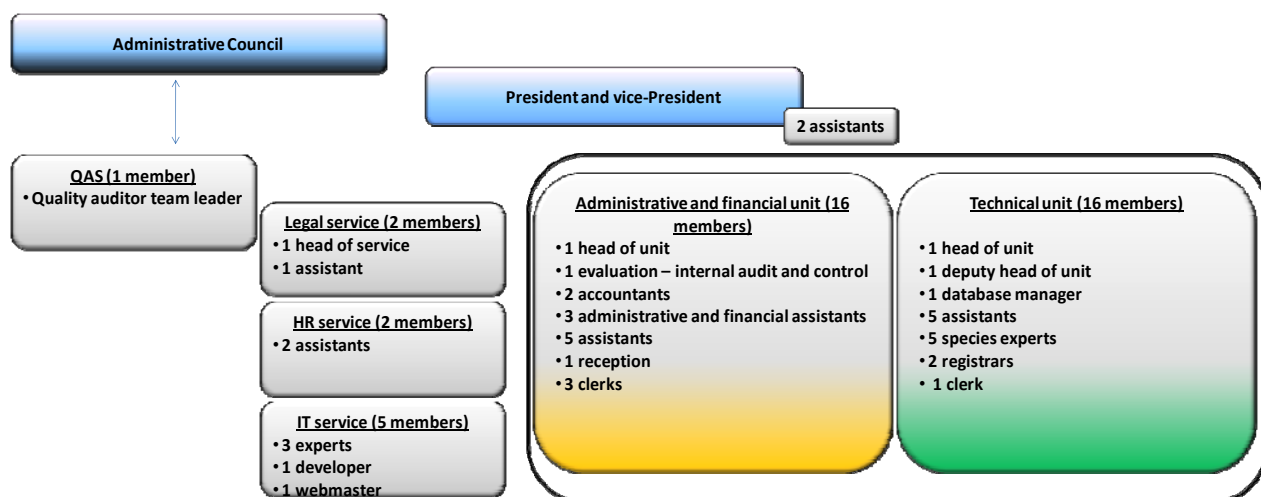
The organisation is described in several documents (which are either compulsory or produced on initiative of the CPVO President).

- The annual report.
- The management report.
- The social report.
- A strategic plan.
- A work programme
- The IT master plan.

## 3. Main characteristics of the organisation chart

At the date of the evaluation, the CPVO has 46 staff members. Since the creation of the CPVO, the workforce has grown from 6 to 46 staff members (30 during the last evaluation in 2001, +53%). At the same time, the CPVO has dealt with a growing number of applications (average of +5% per year between 2001 and 2008, -9% in 2009 with the previous year)<sup>45</sup>. 2 158 applications were processed in 2001, 3 014 in 2008<sup>46</sup> (+39%). At the end of 2009, 16 783 Community Plant Variety Rights were in force (average of +22% per year since 1997).

**Figure 3: CPVO organisation chart**



The accountant reports directly to the Administrative council (even if the administrative authority is the President) but his independence is not formalised in the organisation chart. The independence of the accountant is confirmed in the financial regulations of the Office. Since

<sup>45</sup> 2009 is the first year of decrease in the number of applications since the creation of the CPVO. The economic cyclical effect has to be taken into consideration in the analyses.

<sup>46</sup> 2 755 in 2009

2001, the post of accountant was an assistant post. From now on, the accountant is an administrator<sup>47</sup>.

Since the creation of the CPVO, the ratio “technical or operational”/“support or administrative”<sup>48</sup> staff members has consistently shifted from a ratio in favour of technical staff towards a ratio in favour of support staff. However, it is necessary to consider that an important part of the technical tasks of the CPVO is outsourced to national bodies (Examination Offices). Moreover, unlike most other agencies, the CPVO has to acquire its income from hundreds of sources, involving large amounts of manpower (which enables the CPVO to be self financed).

#### **European agencies and the CPVO**

The evaluation of the EU decentralized agencies (2009) for the European Commission has analyzed the ratio “agencies’ allocation of staff to administrative tasks”. The CPVO has the second highest ratio amongst the agencies (51%). The lowest ratio is 14% (EMEA). The highest is 53% (CdT). The average ratio is 32%.

*Source: evaluation of the EU decentralized agencies, 2009*

The previous evaluation of the CPVO highlighted organisational difficulties between AFU staff and TU staff. Several improvements have been made (minutes of units meetings on the Intranet, cross invitations to unit meetings).

#### **4. Management of the CPVO**

The CPVO President, assisted by the other members of the Management Team, is responsible for management of the CPVO. The President is the legal authority<sup>49</sup> in charge of the final decision and the detailed work plan specifies who is responsible for each project/activity<sup>50</sup>. The Management Team has no independent legal personality. The CPVO President has delegated powers to its individual members but not to the team as such.

Resources dedicated to management represent 11% of CPVO staff<sup>51</sup>. The legal framework of the CPVO requires a President and one or more Vice-Presidents.

An Administrative Council is attached to the Office and is associated to the management of the CPVO, in accordance with article 36 Council regulation (EC) NO 2100/94 of 27 July 1994 (“it shall advise on matters for which the Office is responsible”, “it shall examine the management report of

<sup>47</sup> It has been an administrator post only for the last 3 years. In total 12 years out of 15 (between the last evaluation exercise (2001) and today), it has been a B (assistant) post.

<sup>48</sup> This ratio is complex to analyse (see conclusions for details). The first issue is the definition of the indicator and, therefore, the finding itself. The definition of “technical” or “administrative” staff is not straightforward. Depending on definitions, the ratio can change substantially.

<sup>49</sup> “Decisions of the Office shall [...] be taken by or under the authority of the President of the Office”, Art 35 council regulation (EC) no 2100/94 of 27 July 1994 on Community Plant Variety Rights.

<sup>50</sup> Terminology used by the CPVO.

<sup>51</sup> In the organisation chart of the EU-OSHA, 7% of staff (total 69) are dedicated to management (however, if communication and ICT management are included, 13% of staff are dedicated to management). In the organisation chart of the EMEA 2008, 28 senior and middle managers are identified: 6% of staff (481).

the President, and shall moreover monitor the Office's activities", "it may establish rules on working methods of the Office"...).)

The Administrative Council meets twice a year.

#### **European agencies and the CPVO**

The annual cost of attendance at these meetings would be 127K€ per year (*Source: evaluation of the EU decentralized agencies, 2009*). For the CPVO, the cost would be 100K€ (or even less, one ordinary meeting in Brussels or Angers costs about 30-40k€).

On the basis of the evaluation hypotheses, the CPVO Administrative Council would be the sixth most expensive amongst the European Agencies.

The daily management is coordinated by the CPVO Management Team. Management Team meetings are organised on a weekly basis.

For specific IT projects, a user project manager and an IT project manager are appointed. Project groups are organised. The composition of the group depends on the project. For other projects (example UPOV working groups), some specific working groups are organised.

During the period under evaluation, management was based on a common understanding of the work to be done as set out in the legal basis and reviewed in the MT meetings. A strategic plan came into force only in 2010.

**Figure 4: Management objectives**

Management objective	Supporting evidence (strategic framework and monitoring)
Decisions focused on activities	Structuration per activity Operational objectives Budget Monitoring of outputs Monitoring of expenditures
Decisions focused on results	Data on stakeholders perception Global and specific objectives
Decisions focused on quality	A large project on QAS, integrated in the strategic framework Monitoring of problems and correlative improvements

#### **5. An organisation ensuring an uninterrupted service**

Each function has a back-up: one can replace the other in case of unavailability. The objective is to allow an uninterrupted service and to manage activity peaks effectively.

**Figure 5: Back-up of functions in the organisation**

President	Vice-President
Head of UFA	Accountant
Head of TU	Deputy Head of UT
Accountant	Sub-ordinate Accountant
Case Holder for each species	Alternative Case Holder for each species
Assistant	Alternative assistant
HR officer	HR assistant
Mail room	Assistant
IT staff member	Alternative IT staff member
Reception	Assistant
Register staff	Alternative register staff

## 6. CPVO organisation and EU languages

Thirteen countries and 11 out of 22 EU languages are represented within the CPVO staff..

### **Clients' feedback**

English is a convenient working language. It is not a main expectation to have several EU languages available, except for key documents.

*Reminder: Clients' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

## 7. Decision-making process

The decision-making process is described in the regulation and the CPVO work plan. The dematerialisation of process within the CPVO started only recently, with DOCMAN, and is not yet fully complete. The validation process will be different from the one used during the evaluated period. The regulation N°874/2009 provides the CPVO with new opportunities for rationalising the process using electronic means.

### 3) Applications process (CPVO – applicants)

#### Operational objective :

Introduce e-filing, e-communication facilities with applicants as well as electronic data transfer with EOs and invoicing.

Introduce a comprehensive electronic document management system enabling additional services for clients like e-access to the registers or variety descriptions.

Facilitate the takeover of CPVO test reports by concluding memoranda of understanding or lighter forms of agreements with non EU Member States.

Expanding searchable information, Providing streamlined access to information, Increasing system capabilities for access to information.

Source: CPVO strategic plan draft 8

#### 1. The first impact indicator : clients' satisfaction

All the interviews performed during the evaluation confirm the high level of satisfaction, already identified in the previous customer satisfaction survey (January 2005): 90% of clients said they were satisfied (51% extremely satisfied).

#### Clients' feedback

The consensus can be pointed out on:

- The **high reactivity and accessibility** of the CPVO with one exception: some applicants would like to know who the expert responsible for their file is so that they have a single point of contact.
- The **effective access to information** and documents.
- The **effective support from the CPVO**.
- A high level of **acceptance considering delays**. But some applicants do not understand, for new species, the time required to select an Examination Office (sometimes six months).
- The global quality of technical examination performed by Examination Offices.

*Reminder:*

*Clients' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

## 2. Contact with clients

Several staff members have direct contact with clients for technical, financial or administrative questions. There is no exhaustive formal procedure describing the communication process towards clients except a procedure on administrative good behaviour, and a concise part in the CPVO work plan.

### **CPVO staff feedback**

The distinction between teams (UT/UFA for instance) or the extent to which one staff member has to intervene or not, is not clear for everyone. “Pragmatically”, articulations are defined in the daily work.

#### *Reminder:*

*Staff feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

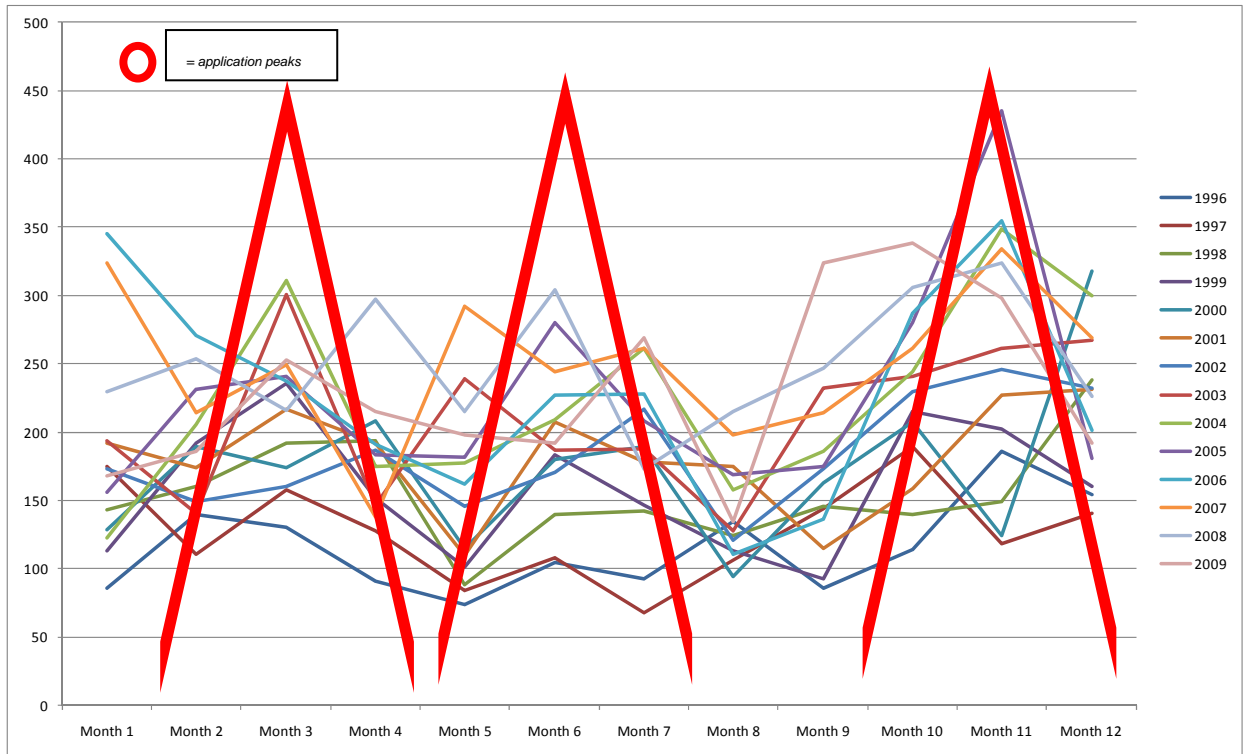
Several staff members can update and compile the “contact” database. A daily update is performed. The level of coverage is high (95% of all the active granted files).

Clients can see more and more details on their own application and their profiles through the client extranet.

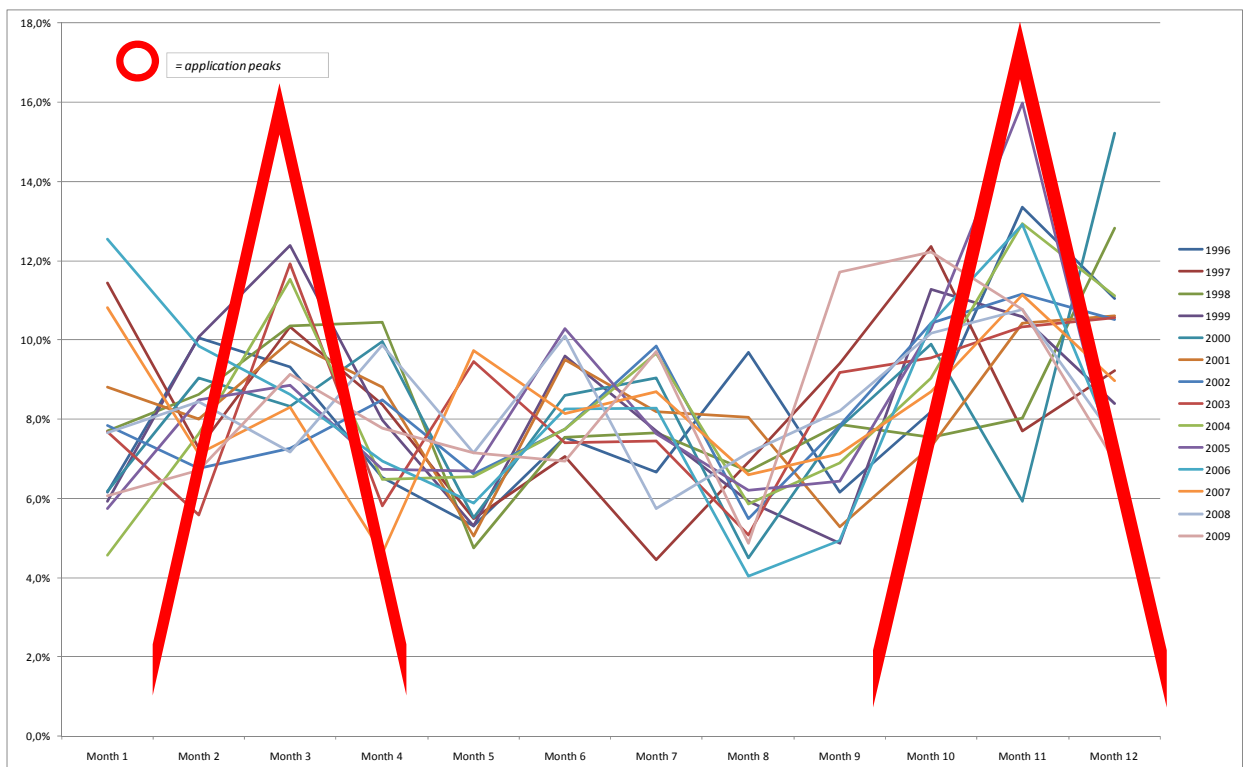
### 3. Processing incoming applications

1.5 FTE's are dedicated to the mail room. The allocation of resources is decided in order to manage activity peaks, in March/April and December/January, as observed on the following figures:

**Figure 6: Number of applications per month (1986-2009)**



**Figure 7: Percentage of the total number of yearly applications per month (1986-2009)**



A flexible organisation between several tasks is applied (reception, scanning, archiving, assistance on letters).

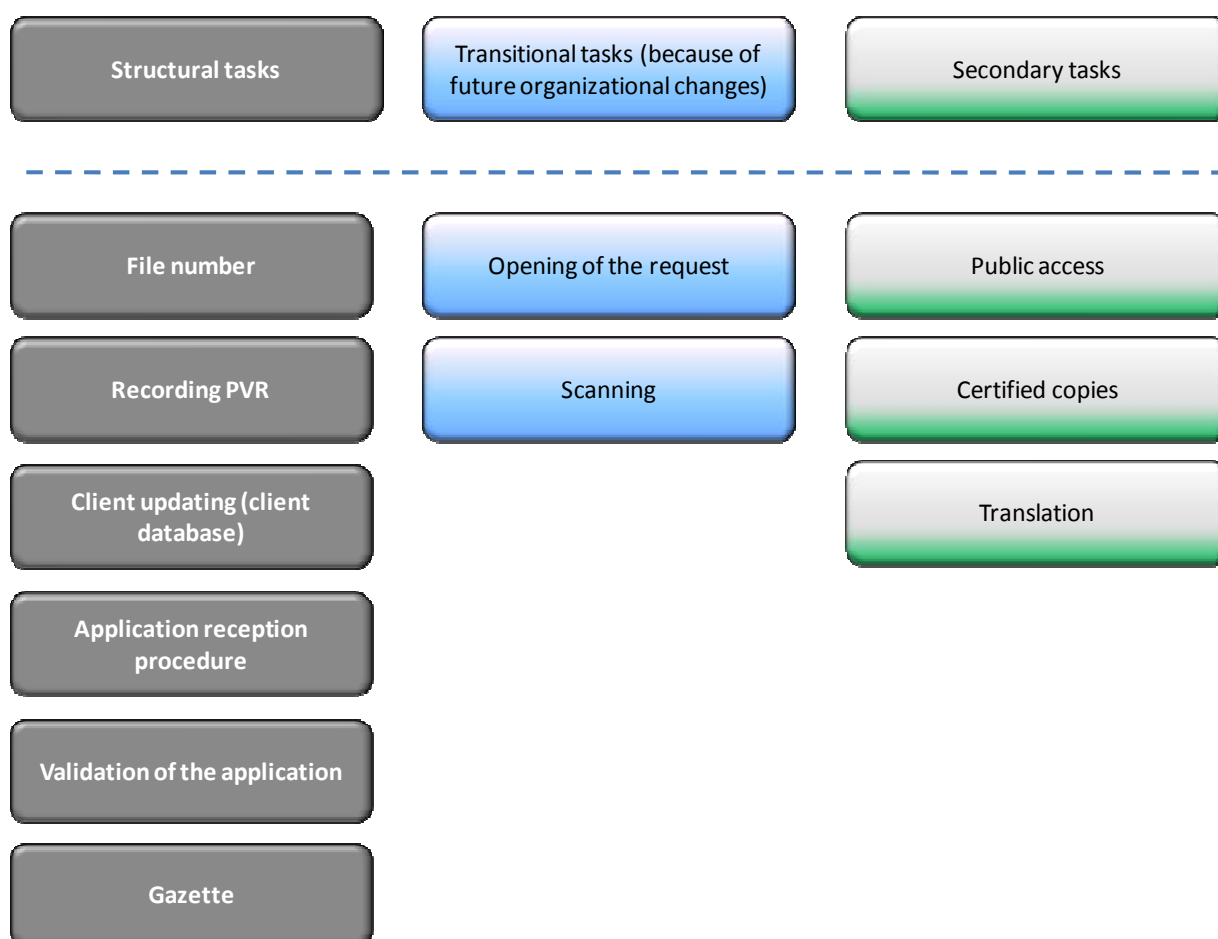
Four FTE's are allocated to the register. The register processes new applications but the mail room opens letters (including stamping incoming mail)<sup>52</sup>.

IT tools and procedures have been developed since the creation of the CPVO which have substantially changed the process. Two major changes can be pointed out:

- DOCMAN and the paperless process (scanning).
- The online application and the future reduction of the workload<sup>53</sup> (no more opening of applications, no more scanning, potential automation of tasks).

The breakdown of tasks can be summarised as follows:

**Figure 8: Register staff tasks**



<sup>52</sup> 15% of the workload is dedicated to this task (source: Technical Unit)

<sup>53</sup> The first tests conducted on a sample of 9 online applications show that time required to process an application decreased from 2 weeks to 3 hours (Source: CPVO Vice-President).

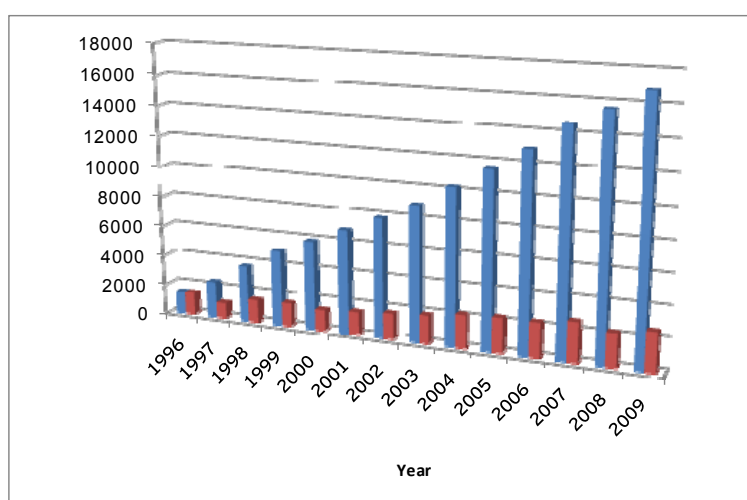


The objective assigned to the register staff is to deliver a return receipt within 5 working days after the arrival date. For the moment, it is not being achieved (10 days currently), however this performance indicator has greatly improved since the last evaluation in 2001. For the moment, there is no reference frame and the frequency of analyses is not clearly specified (monthly? Yearly?). This has already been identified by the CPVO and a project is in progress.

As the register deals with different types of tasks, it is not possible to assess its workload only on the basis of the number of applications. In particular, the maintenance of the CPVO registers must be taken into consideration.

**Figure 9: Number of varieties under protection and titles granted (1996-2009)**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Varieties under protection	1457	2389	3701	4975	5866	6837	7835	8896	10233	11513	12921	14589	15591	16783
Titles granted	1461	1009	1491	1548	1370	1518	1701	1867	2178	2289	2289	2616	2209	2596



#### 4. Plant variety denomination

Two FTE's are dedicated to the denomination process (centralisation of denomination testing, database of denominations, tests of denomination proposals). Technical staff are required as well as a computer specialist. One is the database manager and the other is in charge of testing the denomination (database user).

Frequent contacts with Examination Offices are required.

Quality controls are in place (the decision committee dedicates time to evaluate denominations<sup>54</sup>).

A case law register is used, compiling most illustrative decisions from the recent past. Clients and Examination Offices have access to the case law register.

The most problematic cases are often derived from the fact that a denomination can be validated within a National Listing procedure (and therefore the variety in question may have been commercialised) and refused by the CPVO. Frequent clients are often aware of the difficulty which they are able to anticipate. It is rarely the case for occasional clients.

<sup>54</sup> Composed of the Vice-President, the Head of the Legal Service, the Head of the Technical Unit.

Consequently, since March 2007, direct access to the denomination databases has been possible. Stakeholders can directly test the denomination (automated test). National authorities have the opportunity to obtain an individualised consultation (not possible for clients).

If a delay occurred in the denomination testing, the entire application process could be delayed but this is not always the case.

#### **Examination Offices' feedback**

One opportunity for improvement has been identified. The status of each record is clearly available, however some meaningless data is also included in the database. The EO's expectation is to have access to "varieties protected at the moment".

*Reminder: Examination Offices' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

### **5. Technical examination coordinated by Case Holders**

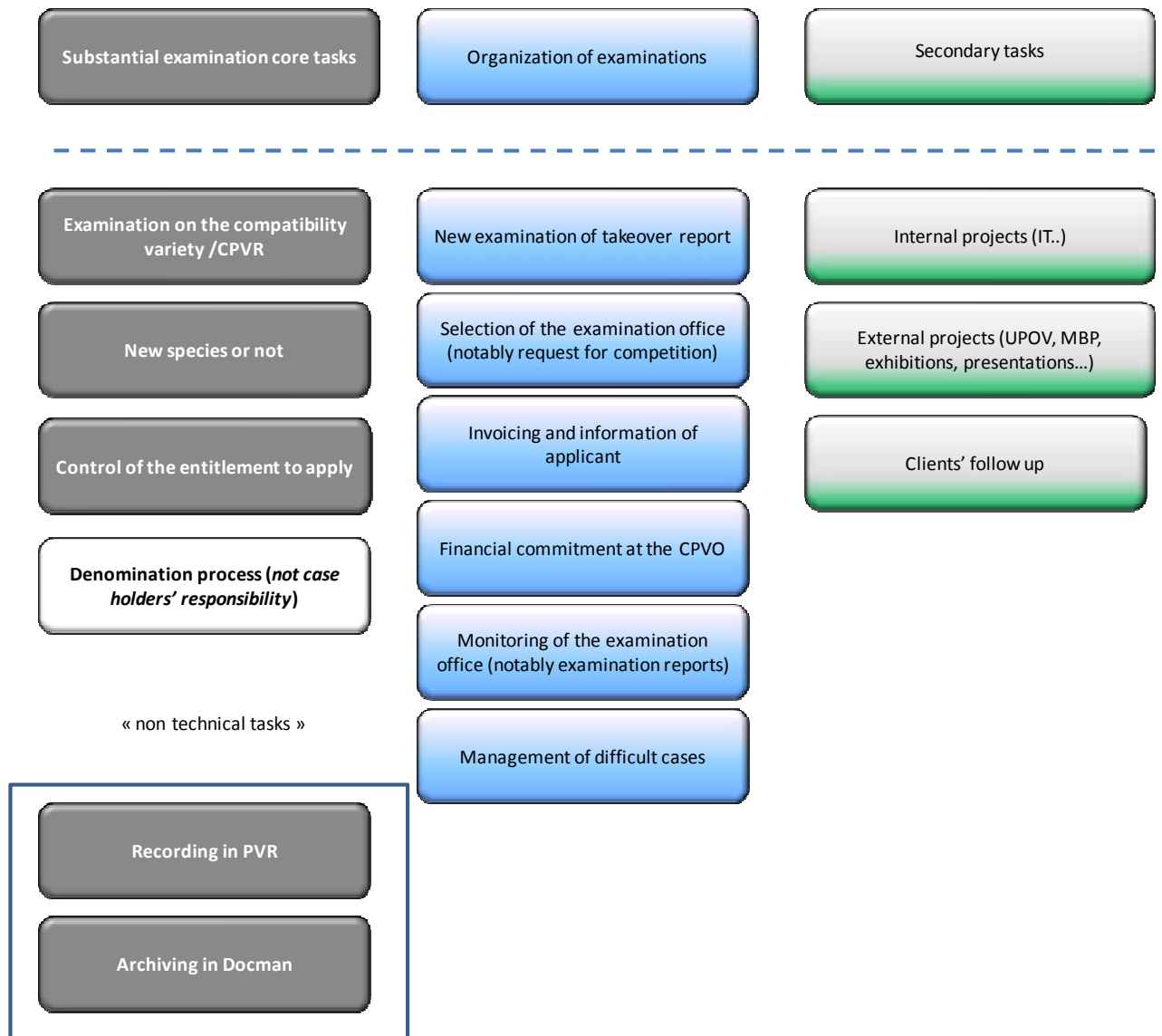
Technical examinations and organisation of examinations are coordinated by five Case Holders. In addition, the Head of the TU and the Deputy Head of the TU are deeply involved. They are also supported by assistants. The register also contributes to the technical examination process.

The CPVO has organised the application process taking into consideration crop sector specificities. For the moment the principle of organisation is the specialization of Case Holders on crop sector. In fact, each Case Holder covers a main crop sector and a secondary crop sector, in order to replace a Case Holder if he / she is missing. Two pairs of crop sectors exist: fruit/ornamental and vegetables/agricultural.

The risks (within the application process) are different from one crop sector to another. For example, there are not many objections on the agricultural species, but there are many more on the ornamentals. The risk depends on several factors:

- Growing conditions and, therefore, technical requirements.
- Species covered by the Common catalogues or not. Applicants sometimes mix up the catalogue registration (for commercialisation) and CPVO protection (plant variety right protection). Therefore, they could obtain the catalogue registration and consider that the CPVO protection will be automatically granted.
- Type of clients.
- Type of Examination Offices.

The substantive examination and the examinations managed by Case Holders are core tasks, but several other tasks are carried out in addition:

**Figure 10: Case Holders' tasks during the application process**

The Case Holders' workload per application varies substantially and mainly depends on 2 factors:

- Is a new examination required or can a takeover report be ordered?
- The occurrence of difficulties during the examination (or not) resulting in direct contact with clients and Examination Offices.

"Non technical" tasks have been carried out by Case Holders since the implementation of DOCMAN. The consequence is a transfer of workload from assistants to Case Holders, mainly:

- Archiving of e mails and documents in DOCMAN,
- Organisation of files.

When examination reports are late, penalties could theoretically be imposed. Actually they are never applied (a dialogue with Examination Offices is favoured).

There is no automated reminder to Examination Offices. Case Holders manage the difficult cases individually, in consultation with either the Head or deputy Head of Unit, supervised/oriented by the "difficult cases meeting".

Indeed, the technical risks related to complex cases are dealt with at the monthly formal meetings of the Decision Committee dealing with difficult cases. The composition of that Committee is:

- The Vice-President.
- The Head of the Legal Service.
- The Head of the Technical Unit.
- The Case Holder involved in the case is invited.

A database has been established, providing the Committee with “case law” on difficult cases. It is not *stricto sensu* case law because it is not always used, but it is a source of support for the decision.

#### **Clients' feedback**

Some clients would be pleased if they could receive certain information by e-mail, during the application process (receipt of documents confirmation, information about delay, etc.) or before the application process (notification by e-mail when new forms are available).

*Reminder: Clients' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

#### 6. Third parties database

A technical staff member and a computer specialist are required for the maintenance of the database. The database is composed of PVR data, used by a large number of CPVO members. A project of re-organisation is ongoing in order to simplify the use of the database.

#### 7. PVR fees: the organisational aspect

Regarding fees, Clients are globally satisfied: financial procedures are valued<sup>55</sup>, even if fee negotiation is one of the most difficult issues in the relationship between the CPVO and its clients. Indeed, the level of fees is often contested.

#### **Clients' feedback**

Some clients ask for more transparency. They want to know how fees are calculated (cost figures). They have access to the fee structure but not to specific data.

*Reminder: Clients' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

However, clients' criticisms during interviews were never focused on the decision-making process<sup>56</sup>.

<sup>55</sup> CPVO customer satisfaction survey January 2005: 88% of the clients are satisfied by the financial procedures. All the clients interviewed during the Ernst & Young evaluation were satisfied.

<sup>56</sup> The most frequent remark (4 clients out of 12) is focused on the system itself: why do they have to use an intermediate (the CPVO) that can be considered an administrative burden?

The definition of fees is strictly outlined by the Commission regulation. The Administrative Council can propose levels of fees however, it is the responsibility of the European Commission to make the final decision.

Examination fees are very high for certain crop sectors (fruits), depending on species specificities (growing conditions). It is noted that alternative procedures to the CPVO process exist. The applicant could apply for national protection and then apply for a takeover of the report, which for some species, is much less expensive.

#### **Clients' feedback**

Criticism is especially focused on the Application Fee which is considered to be high in comparison with other countries with a Plant Variety Protection System.

As regards the Examination Fees, criticism is moderate: clients broadly understand the importance of examinations with a high standard of quality.

Again the annual fee is contested. It is often mentioned that some countries have no renewal fees and others have lower fees.

Debate is particularly heated in cases of small ornamental crops.

*Reminder: Clients' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

However the CPVO "value for money" is never substantially contested.

The standard procedure states that payments are required before the start of the examination. This requirement is not always met. Therefore, some Case Holders allow the examination to start without having collected payment from the client, even if there is a procedure describing the opposite process. Ultimately, if the client does not pay, the CPVO has to pay the Examination Office (25% at the order date, 100% at the date the examination begins). Therefore, if the CPVO is not paid by the client, it runs the risk of a non payment (which could lead to withdrawal or insolvency). Consequently, AFU has put into place individual reminders for case holders, every two weeks, when applicants do not pay. There is no automated reminder for applicants.

Constant dialog with Examination Offices and applicants is favoured by the CPVO. When difficulties are identified, specific working groups can be organised. This is the case, for instance, regarding fruit trees.

Applicants must pay after a defined time period and therefore, payments can occur throughout the year. The Accountant has a legal obligation to collect payments owed to the Office within the shortest time frame. There is an option to make payments in advance ("compte-courant demandeurs").

#### **Clients' feedback**

Several clients request one payment per year, particularly, clients representing groups of breeders (examples: Hortis Holland, Royalty Administration): who pay on behalf of final clients. Therefore, each month, they have a lot of fees and debit notes to process. They first pay the CPVO and then obtain the reimbursement each quarter from the breeders they represent.

*Reminder: Clients' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

Clients are satisfied: financial procedures are valued<sup>57</sup>.

Payments to suppliers (Examination Offices) and client invoices are processed by different staff members. An invoice for application fees is sent to the client only upon request. Accounting is split between several staff members, sometimes outside the core team of accountants.

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<sup>57</sup> CPVO customer satisfaction survey January 2005: 88% of the clients are satisfied by the financial procedures. All the clients interviewed during the Ernst & Young evaluation were satisfied.



#### 4) Applications process (CPVO – Examination Offices)

*Reminder: the evaluation is focused on the CPVO organisation. The objective of the following paragraphs is not to analyse the entire PVR system. Therefore, the link between the CPVO and the Examination Office is conceived from the point of view of the CPVO internal organisation.*

##### **Operational objective :**

**Introduce electronic exchange of information with Examination Offices.**

**Facilitate the takeover of CPVO test reports by concluding memoranda of understanding or lighter forms of agreements with non EU Member States.**

**Expanding searchable information, Providing streamlined access to information, Increasing system capabilities for access to information.**

*Source: CPVO strategic plan draft 8*

##### 1. Significant impact indicators: satisfaction of applicants and Examination Offices

Applicants (see the previous part for details) and Examination Offices are globally satisfied with the Application process.

##### **Examination Offices feedback**

Four Examination Offices account for more than 80% of applications. The four Examination Offices are globally satisfied. The fifth Examination Office interviewed, with a different organisational model, and a different level of activities, is also satisfied.

*Reminder: EO's feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

##### **Client feedback**

A quasi-consensus can be pointed out on:

- A high level of acceptance considering delays
- The global quality of technical examinations performed by Examination Offices

*Reminder: Clients' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

##### 2. Technical liaison officers (TLOs)

The CPVO has formalised a network dedicated to technical issues within the Member States. They are appointed by a member of the Administrative Council (one TLO per Member State), and the CPVO is informed. The CPVO reimburses expenditure related to technical meetings (but only for one person per Member State).

TLOs are necessary for all stakeholders interviewed (Examination Offices, DG Sanco, Administrative council representative, CPVO staff). The added value pointed out is:

- The strengthened homogeneity for the system.
- The centralisation of questions and their dissemination.
- Information and contacts can be tracked.
- A strengthened quality assurance.

However, their effectiveness depends on their reactivity. This is not always satisfactory, depending on countries and TLOs appointed. But the CPVO is not in charge of selecting TLOs.

A technical vademecum for TLOs has been prepared, compiling all discussions with Member State officials.

### 3. The selection of Examination Offices

The Case Holders organise examinations. One of their tasks is to send requests for technical examination, and to select the Examination Office able to carry out examinations.

Two phases are necessary to select Examination Offices: entrustment and designation. Once Examination Offices are entrusted, they can be designated by the CPVO to perform technical examination. Concerning the designation process, the CPVO has not yet defined clear and transparent selection criteria in order to select Examination Offices (this is in progress).

The process of designation varies depending on the number of Examination Offices able to perform examinations (centralized or decentralized organisation, see point 4 below). With the QAS, a growing number of Examination Offices are candidates, and the CPVO is facing a more decentralized system.

### 4. Centralised and decentralised process of examination and its impact on CPVO organisation

The examination process can be centralised or decentralised, depending on the number of Examination Offices entrusted by the CPVO. For some species, the examination process is centralised, performed by only one Examination Office (ornamentals). For other species, the examination process is decentralised and may be performed by more than one Examination Office (fruits, vegetables, agricultural).

Until the first results of quality audits, the number of Examination Offices entrusted is higher than before the QAS implementation. Previously, if a new species had to be examined, a tender was organised. It was therefore a control *a priori* on Examination Offices. With the implementation of QAS, the control will be *a posteriori*. Examination Offices will declare themselves able to carry out the examination, then the QAS will provide a judgment on the fulfilment of the quality requirements.

### 5. The formalisation of the link CPVO – Examination Offices

Designation agreements with the Examination Offices are systematically concluded. They provide the contractors with a specific framework for their relationship with the CPVO.

### 6. Examination process: delays

*The management of examination reports by Case Holders has already been mentioned in the chapter “application process (CPVO – applicants)”.*

Case Holders are in charge of the supervision of the examination process. The main delays to monitor are:

- the arrival date of applications and the receipt sending date (register responsibility).



- the date of material submission (Case Holders' responsibility).
- the transmission of preliminary, interim and final reports by Examination Offices (Case Holders' responsibility).

Other delays could be monitored (and they have been identified by the CPVO as potential indicators to monitor), for instance:

- the delay between the arrival date of the final report and the decision.
- the delay between the sending of the final report to applicants and their answers.

## 5) The organisation of controls, audits and evaluation

### Operational objective :

**All the operational objectives under the specific objective "achieve organisational excellence"**

**Design and implement a comprehensive quality system for Examination Offices**

*Source: CPVO strategic plan draft 8*

### 1. Supervision of controls, audits and evaluation

One staff member is specifically in charge of the coordination of internal control, audits and evaluation. The Management Team is also heavily involved.

Internal control, audits and evaluation are defined and formalised in CPVO documents (workplan, vademecum).

The scope is:

- ex ante control carried out by the accountant and the authorising officer.
- ex post control of the budget implementation.
- Punctual controls/audits and follow up of the implementation of corrective measures.
- Coordination of the audits.
- Coordination of external evaluation.

Tasks performed can be recurrent or exceptional. Therefore exceptional tasks are managed as projects (e.g. concerning the cost calculation exercise).

When CPVO staff surveys are performed, data is collected through interviews, and questionnaires.

### 2. Controls through the definition of processes

Processes are defined in the detailed work plan of the CPVO. Supporting documentation is described in vademecums (vademecum for staffs procedures, for the Technical Unit, and for TLOs). Documents are available online.

### 3. The Quality Audit System (QAS) : a prospective approach on organisational issues

The QAS global organisation has been designed by the CPVO (Administrative Council and CPVO staff), in cooperation with Examination Offices. Some clients and breeders' association have been informed.

The QAS is managed by a quality audit team leader, part of the CPVO. The quality audit service is independent (no hierarchy with any Head of Unit for instance).

The quality audit team will organise audits *in situ*, with the assistance of experts<sup>58</sup>. Experts are staff members of Examinations Offices, or former staff members of Examination Offices.

The independence of the Quality Audit system should be guaranteed by:

- The organisational independence of the Quality Audit Service.
- The audit team is under the responsibility of the audit leader.
- The audit team leader communicates the findings.
- Confidentiality rules/integrity rules.
- Auditors are aware of their responsibilities.
- Criteria defined in a participatory approach with Examination Offices. They have accepted these criteria (they are not imposed).

The experts have been appointed through an open call for interest. Applicants needed to be endorsed by national authorities. The call was sent to all Examination Offices. The open call for interest has been successful and 30 auditors have been appointed, to audit 27 Examinations Offices.

The QAS and the intervention of Case Holders constitute a global system of assessment.

QAS implementation will be based on several elements:

- Principle : one day on site (without taking into consideration prior desk study) for the audit leader and one expert.
- Exception :
  - the audited body examines several crop sectors: 2 experts.
  - the audited body has several examination locations : several series of days of assessment.
- Audits follow a cycle of three years (entities are audited every three years).
- A former "risk analysis" allows main Examination Offices (large number of examinations, types of species examined, number of examination centres, previous experience with the Examination Office or not) to be targeted. Samples could be defined.

A mock audit has been performed.

The first "transitional effect" of the QAS is that there is a larger number of Examination Offices (before the final entrustment by the AC following an audit by the QAS). For certain species (ornamentals), the effect has been a shift from a centralised to a decentralised system. The transitional effect could be structural if QAS results are positive for a large number of Examination Offices, or if the AC does not follow QAS recommendations (exclusion of Examination Offices with negative results).

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<sup>58</sup> After a few mock audits performed in 2009, the first audits start in 2010.

## 6) Legal affairs

### **Operational objective : Transversal objective**

*Source: CPVO strategic plan draft 8*

#### 1. The legal staff

Presently, two FTE's are dedicated to legal affairs. The Head of the Legal Service is a member of the Management Team.

They are in charge of various activities: legal advice to the President and other members of the Office staff, legal interpretations, draft legislation, participation in various CPVO committees (in particular decision committee), ensuring that Community procedures and legislation are respected, data protection, management of the administration of objections to applicants for CPVRs and punctual work on the contractual relationships with Examination Offices.

Legal staff members work on specific projects, with legal aspects such as the electronic signature and archiving projects. A study was performed (part of which was done by a law firm), orienting the recent adoption of the regulation n°874/2009.

The legal staff members also work on contracts between CPVO and suppliers, which in one single case has led to litigation before a French court (during the construction of the office building).

#### 2. The data protection officer (DPO) of the CPVO

One of the main duties of the DPO is to ensure, in an independent manner, the internal application of the provisions of Regulation 45/2001 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. The duties of the DPO are laid down in Article 24 of the aforementioned regulation. The DPO defines an action plan for his activities. He manages the link and responds to requests with the EDPS (European Data Protection Supervisor) and keeps an inventory of data processing operations of the CPVO.

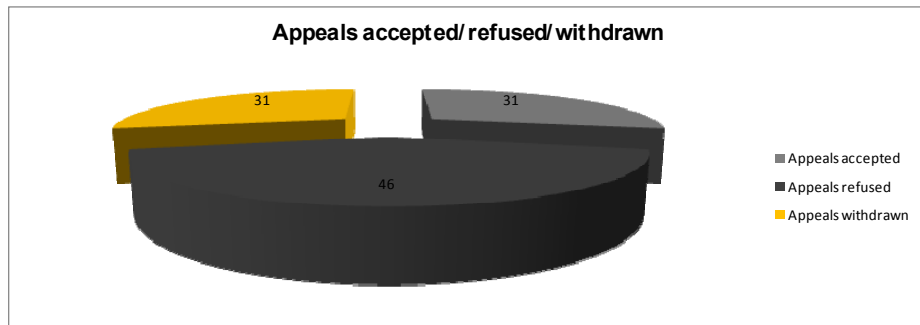
The DPO distributes relevant information on data protection aspects (guide for users to data protection at the CPVO) to the CPVO staff.

Information on the activities of the DPO and a register of processing operations is available on the intranet.

### 3. Appeal procedures of the CPVO

The quality of the application process can notably be monitored through the number of appeals. 135 appeals have been registered since the creation of the CPVO. 27 are still in progress. Regarding the 108 appeals processed, 31 were successful, and accepted (29% of processed appeals).

**Figure 11: Number of appeals**



Source: CPVO statistics

#### Clients' feedback

Some clients argue that the appeal procedure is too expensive and, therefore, this could explain the low number of appeals.

Other feedback criticises the process itself. All parties concerned are present, and the defender is permitted to set forth his or her arguments. Sometimes, a staff member of the Examination Office is present to explain technical issues to the Board of Appeal. This is conceived as an unbalanced trial.

*Reminder: Clients' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

During the appeal process, the Secretariat of the Board of Appeal deals with the communication between the parties.

The Board of Appeal is composed of one chairman, an alternate and members. In each case, the Chairman chooses two members from a list of Members adopted by the Administrative Council (more than 50 members with legal and/or technical skills).

A further appeal to the Court of Justice of the European Communities is dependent on the decisions of the Board of Appeal. This is in fact very rare. Seven cases have been appealed and two of those were decided in favour of the Office, 5 cases are still pending. For some of these cases, the CPVO needs external legal expertise due to the language barrier. In one case, the language is English, and the CPVO did not need to engage external legal counsel.

## 7) International cooperation

### Operational objective :

Host UPOV work group meetings.

Coordinate and stimulate European input in technical UPOV meetings.

Inform EU member states and non European members of UPOV about software developed by the CPVO for the processing of applications and the testing of denominations.

Receive delegations of non EU states.

Facilitate the takeover of CPVO test reports by concluding memoranda of understanding or lighter forms of agreements with non EU Member States.

Organise expert meetings on Community level.

Participate in and contribute to relevant international seminars and forums.

*Source: CPVO strategic plan draft 8*

### 1. The CPVO and UPOV: organisational aspects

The European Union is member of UPOV. The CPVO provides technical assistance and is not a member. But for technical working groups, the CPVO attends meetings.

The President, the Vice-President, the Head of the Technical Unit and the Head of the Legal Service are frequently involved in UPOV meetings. Case Holders are also largely involved concerning technical subjects related to their scope of activities. The Vice-President is the coordinator for UPOV relations.

Case Holders' workloads are cyclical, related to meetings, working groups, providing protocols, comments and follow-up. Based on Case Holders' work notes 15-20% of their workload (for Case Holders involved in UPOV activities) is estimated as being dedicated to the UPOV. It has increased substantially since 2000.

Moreover, the CPVO database manager collects data for the UPOV concerning the EU and the European Economic Area, and submits this data every two months. Indeed, the CPVO signed a memorandum of understanding in October 2004 with UPOV, in order to ensure compatibility with the existing UPOV plant variety database (UPOV-ROM).

### 2. Memoranda of understanding and agreements with non EU Member States: organisational aspects

The President is mainly in charge of international negotiation on these aspects, supported by Case Holders within their scope of activities. Agreements for the takeover of technical reports have been concluded with Australia, Japan and Mexico.

### 3. The multi-beneficiary programme (MBP): organisational aspects

The programme objective is to inform candidate countries for EU accession about technical, administrative and procedural aspects of the CPVR system as well as the legal impacts of the extension of the CPVR system in their territory upon accession.

To do so, a work plan has been defined.

The President, the Vice-President, the Head of the Technical Unit and the Head of the Legal Service are involved. Less frequently, Case Holders are also involved concerning technical subjects related to their scope of activities.

Activity and travelling days are monitored during the programme (for the CPVO there were 20 activity days and 29 travelling days in 2008).

With the growing number of candidate countries included in the MBP, this is a key source of activity for the CPVO (former Yugoslav Republic of Macedonia, Turkey, Croatia, Albania, Bosnia and Herzegovina, Montenegro, Serbia and Kosovo under UNSC Resolution 1244/99). However, the CPVO uses external experts to limit its level of input.

#### 4. International presentation of the CPV system and other international relations.

The President, the Vice-President, the Head of the Technical Unit and the Head of the Legal Service are frequently involved in international meetings, presenting the PVR system. Case Holders are also involved on specific subjects, related to their scope of activities.

CPVO also has contact with internal organisations (OAPI, OECD).

## 8) Enforcement of CPVR system

### Operational objective :

Raise awareness in interested circles of implications of plant variety protection in general and the Community system in particular through the organisation of seminars and by means of other communication tools, such as articles and interviews in specialised publications, accessible information on the CPVO website.

Organise open days to explain the system to breeders, plant producers and farmers.

Source: CPVO strategic plan draft 8

### 1. Contribution to the development of EU regulation

The CPVO and the DG Sanco have direct contact. The close relationship is organised through various and frequent meetings: the Standing Committee on Community Plant Variety Rights, the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry, the Standing Committee on Propagating Material of Ornamental Plants, the Standing Committee on Propagating Material and Plants of Fruit Genera and Species.

Moreover, the CPVO is invited to Council working parties.

The President, the Vice-President, the Head of the Technical Unit and the Head of the Legal Service are involved. Case Holders are also involved concerning technical subjects, related to their scope of activities.

### 2. Participation in the communication and the promotion of the CPVR system

Seminars are organised (Brussels, Madrid in 2007; Sofia and Bucharest in 2008; Athens in 2010): assistants ensure the logistical organisation of the seminars.

#### Clients' feedback

Some clients would like a more transparent communication process (as previously stated) regarding costs (time and money). Monitoring of MBP costs is good practice.

*Reminder: Clients' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

The CPVO also assists in gathering information through its financial support to studies. The Bundessortenamt has supported the CPVO on the farm-saved seeds project.

## 9) Monitoring

### Operational objective :

Ensure operational excellence in Office-wide management processes.

Establishing an Office-wide approach for financial management.

Establishing methods for more accurate and timely predictions of application filings, workloads, and revenues.

Regularly monitor organisational health.

Source: CPVO strategic plan draft 8

### 1. Formalisation of the monitoring system and indicators

Meticulous work on indicators has already been performed within the CPVO. Potential indicators have been listed in the strategic plan and the work plan. They broadly cover all the activities of the CPVO:

- Application process on technical aspects (registration, formal examination, substantive examination, organisation of examinations, databases).
- Financial indicators (budget, accounting).
- Controls, audits and evaluation.
- Communication.
- IT.
- Real estate.
- Purchasing.
- HR issues.
- International relations.

The monitoring system of the CPVO is mainly automated. IT tools provide the CPVO with a large database of indicators. Three staff members can use Business Object in order to process the data.

There is no systematic and formal feedback from clients. A register of claims has been established but it has not been maintained. Yet, feedback from smaller clients is limited. They are not used to the application process and they are not always represented by a breeders' association. There is no formal feedback from Examination Offices.

#### Clients' feedback

During the evaluations interviews, clients have frequently mentioned their satisfaction at being consulted.

*Reminder: Clients' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

Few indicators exist on internal or external communication. There is no monitoring of indicators relating to the website or extranet. Concerning the website, several indicators are easily available (they are not yet available for the extranet):

- Number of visitors.
- Browser used.
- Key words.



- Related websites.
- Geo-localisation.
- Number of consecutive clicks.
- Average time spent on a webpage or the website.
- EO and clients' profile, through external processing (XiTi).

The Gazette has been on line since the 15<sup>th</sup> of February 2010. No indicator has been set up. A simple indicator could be available, based on the number of applicants requiring the subscription.

The level of public access could be monitored automatically if the request is on line.

## 2. CPVO key performance indicators (KPI)

From an operational point of view, the Management Team frequently looks at a reduced number of indicators<sup>59</sup> :

- The number of applications by arrival date (yearly) and the variation with the previous year.
- The yearly repartition by crop sectors.
- The number of surrenders (yearly), and the variation versus the previous year.

Other KPI are also monitored closely:

- Number of surrenders.
- The amount of treasury funds.
- Delays in payments to suppliers.
- Time elapsed between arrival date of application and sending date of specific letter to client.

## 3. "Prospective" monitoring

Two different types of indicators could be distinguished:

- Indicators dedicated to the measurement of the CPVO activity.
- Indicators dedicated to the prospective analysis of the CPVO activity (how the activity will vary in the near future).

Prospective analyses have been, until now, very limited. The prospective approach was based on the analysis of the linear growth of the number of applications over the years. It was no longer valid in 2009 (due to a reduction, for the first year, in the number of applications). A first model on withdrawals has been proposed.

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<sup>59</sup> Source : Management Team statistics reports

Existing and potential indicators could be assessed through the RACER methodology<sup>60</sup>

**Figure 12: RACER analysis of CPVO indicators**

Judgment	R : relevant	A: accepted	C : credible	E: easy to monitor	R : robust
√	In line with the CPVO strategy	Validated and used	Unambiguous and easy to interpret	Automated	Data is reliable and consistent (no omission, no double counting...)
~	CPVO strategy not explicit on the point but no contradiction	Not validated or on going validation, used or partially used	Ambiguous and not easy to interpret	Manual process	Risk of unreliability in the future is high
×	Not in line with the CPVO strategy	Not validated, not used	Impossible to interpret	Not available directly	Data is not reliable and consistent

Indicator	R : relevant	A: accepted	C : credible	E: easy to monitor	R : robust
1. Number of applications	√	√	~ <sup>61</sup>	√	√
2. Countries from where the applications were filed	√	√	√	√	√
3. Number of grants	√	√	√	√	√
4. Number of databases which require to be updated	√	~	√	√	√
5. The repartition of applications by crop sectors	√	√	√	√	√
6. The amount of the treasury fund	√	√	√	√	√
7. Time elapsed between arrival date of application and sending date of specific letter to client	√	√	√	√	√
8. Number of objections	√	√	√	√	√
9. Number of appeals	√	√	√	√	√
10. %of successful appeals (Board of Appeal)	√	√	√	√	√
11. Number of appeals to CJCE	√	√	√	√	√
12. %of successful appeals (CJCE)	√	√	√	√	√

<sup>60</sup> Impact Assessment Guidelines” (European Commission, 2005)

<sup>61</sup> The workload is not strictly correlated to the number of applications. A takeover report is less time consuming and some applications are more complex than others (hence, the establishment of a “difficult cases” committee within the CPVO).

13. Number of surrenders	√	√	~ <sup>62</sup>	√	√
14. Number of unpaid clients' invoices (directly/after 45 days)	√	√	√	√	√
15. Amount of unpaid invoices (directly/after 45 days)	√	√	√	√	√
16. Average time required for processing providers invoices	√	√	√	√	√
17. Average time required for processing clients invoices	√	~	√	~	√
18. Concordance between produced invoices/collected invoices	√	~	√	×	√
19. Responses from HR to CPVO staff questions within 2 days	√	~	√	~	√
20. Number of claims and delays in the reimbursement of travel expenses	√	~	√	~	√
21. Adoption of status reforms	√	~	√	~	√
22. Number of clients checked in the client database	√	√	√	√	√
23. Average delays to deliver a title	√	~	~	~	~ <sup>63</sup>
24. Response within 2 days when an IT anomaly is identified (numbers, average time)	√	~	√	~	√
25. Clients' satisfaction	√	√	√	×	√
26. Examination Office satisfaction	√	√	√	×	√
27. Number of visitors (CPVO website)	√	~	√	√	√
28. Number of visitors (CPVO extranet)	√	~	√	×	√
29. EOs and clients profiles (CPVO website)	√	~	√	√	√
30. EOs and clients profiles (CPVO extranet)	√	~	√	×	√
31. Average time spent on a webpage (CPVO website)	√	~	√	√	√
32. Average time spent on a webpage (CPVO extranet)	√	~	√	×	√
33. Number of Gazettes sent	√	~	√	×	√

<sup>62</sup> Most surrenders are done for reasons other than legal reasons. Some applicants do not want to pay. Some others are passive or do not comply with EU regulation.

<sup>63</sup> Delays vary from one species to another (takeover report, time required for examination).

34. Level of public access	√	~	√	×	√
35. Number of seminars on PVR implementation (activity days and travelling days)	√	~	√	×	√
36. Number of UPOV meetings (activity days and travelling days)	√	~	√	×	√
37. Number of MBP meetings (activity days and travelling days)	√	√	√	√	√
38. Number of QAS performed (days)	√	√	√	N/A	√
39. Number of R&D projects supported (CPVO staff' working days dedicated)	√	~	√	×	√
40. Fees collected/other revenue	√	√	√	√	√
41. Staff expenditure	√	√	√	√	√
42. Administrative expenditure	√	√	√	√	√
43. Operational expenditure	√	√	√	√	√

## 10) IT and its impact on the CPVO organisation

*Reminder: the evaluation is focused on organisational aspects and the objective is not to carry out a review of IT processes. The objective is to point out organisational issues related to IT tools development or implementation.*

### **Operational objective :**

**Improve the quality, cost-effectiveness, and timeliness of IT solutions.**

**Providing an automated operating environment for conducting financial management business with the CPVO.**

**Implementing secure PVR office information exchange.**

*Source: CPVO strategic plan draft 8*

### 1. CPVO organisation on IT: principles.

The Vice-President oversees IT projects. 4 FTE's<sup>64</sup> are dedicated to IT (IT experts, developers, and webmaster). Allocation of tasks within the IT team is clear, depending on respective competences, projects or tools. There is an exception regarding PVR as 2 IT developers intervene. However, interconnection between IT tools is a constant trend, and such overlapping is not problematic but deliberate.

<sup>64</sup> 5 FTE's if the database manager is included.

A specific project organisation is established for all IT projects (a user project manager and an IT project manager are appointed).

The IT master plan specifies software project organisation, the upcoming projects for the next 3 years and the maintenance foreseen. Responsibilities and the distribution of internal staff resources are specified. The IT master plan is proposed by the IT experts, reviewed by the Management Team and approved by the President. 33 projects were defined in the last version of the IT master plan.

IT projects can be divided into six steps:

- Preliminary study.
- Study or detailed study.
- Software development.
- Installation/integration.
- Reception (final test, training, adaptations, correction of bugs).
- Maintenance (corrections and evolutions).

In fact, there is no external testing of IT solutions. Testing is performed internally by users (CPVO staff).

For several projects, the maintenance is not only corrective but also adaptive. This is especially the case for PVR.

The breakdown of tasks between IT and technical staff can be difficult on projects. Even if it is clearly designed, the operational implementation is sometimes complex. It is therefore more of a management/monitoring issue than a project design issue (ensuring compliance with planning/breakdown of tasks).

For IT solutions, outsourcing is not encouraged. When outsourcing is used, it is on development, not maintenance. Indeed, maintenance is mainly performed by CPVO IT staff, given the fact that maintenance is not only corrective but adaptive.

## 2. IT impacts on the CPVO organisation (DOCMAN, EPM, PIA5)

Several improvements have been achieved through the implementation of new IT tools:

- High volume scanning.
- Consolidation of accountability.
- Registering of invoices and monitoring of pending invoices.

Combined with projects in progress (on line application), IT tools should reduce the global workload of the CPVO. However, several negative impacts, probably transitional, can be pointed out:

- For DOCMAN, software sources are not available and, therefore, the objective of adaptability and flexibility could not be achieved. The CPVO is linked to its service provider.
- There is a transfer of workload from assistants, previously in charge of archiving, towards other CPVO staff (number of clicks to archive, performed by Case Holders).

- Documentation of the relationships between Case Holders and applicants/Examination Offices is not paperless (this may be the case when online applications are implemented and used). Currently, all letters and mail must be scanned.
- It is difficult to monitor the budget/actual ratio. There is no balance on a budgetary line which is directly available in EPM (obligation to use BO). However, this issue has been identified and will be resolved soon (a request to the service provider is in progress)
- Commitments numbering changes every year and, consequently, they are not easy to find (for title I and II). A link is made with BO. It has been identified as perfectible and a project of improvement is pending.
- Invoices are not sorted by client accounts. If staff members need to gather all of a clients' invoices, they have to gather them manually.

## 11) External communication

### Operational objective :

Inform EU member states and non European members of UPOV about software developed by the CPVO for the processing of applications and the testing of denominations.

Receive delegations of non EU states.

Participate in and contribute to relevant international seminars and forums.

Raise awareness in interested circles of implications of plant variety protection in general and the Community system in particular through the organisation of seminars and by means of other communication tools, such as articles and interviews in specialised publications, information accessible on the CPVO website.

Organise open days to explain the system to breeders, plant producers and farmers.

Source: CPVO strategic plan draft 8

*When external communication is related to international cooperation or the Enforcement of the CPVR system please refer to previous chapters for details.*

### 1. External communication strategy

There is no formal strategy on external communication but the President is involved in the definition of orientations.

### 2. Resources dedicated to External communication

1 FTE is dedicated to public relations and the Technical Unit ensures constant contact with stakeholders with regard to technical questions, as well as the AFU for financial queries.

The website and the extranet are largely used by clients and Examination Offices. Feedback is unanimously positive. The creation of the extranet has provided the stakeholders with direct access to relevant information, notably a direct access to their files (for clients). A short and clear guidance for the extranet (concerning clients) was requested by some clients interviewed.

The participation in fairs (three per year) is a recurrent communication tool.

A promotion toolkit is available (leaflets, pens...).

The corporate identity is managed by the President. Homogenization of the image is ensured.

A newsletter is planned but not yet available.

Stakeholders sometimes experience delays in receiving key elements of information: the main example is the definition of fee amounts. This information is published in the Official Journal and the CPVO Gazette, therefore it could be accessed by stakeholders.

#### **Clients' feedback**

Clients are globally satisfied by the level of communication from the CPVO and do not expect more communication. However, some of them have been surprised by the changes in the level of fees. More generally, the level of satisfaction is high except on fees.

*Reminder: Clients' feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

A communication campaign has already been implemented on the requirement, for the Examination Offices, to promptly transmit the conclusions of examination reports when they are known, especially if conclusions are negative.



## 12) Internal communication

### Operational objective :

**Following the internal communication strategy and work programme**

*Source: CPVO strategic plan draft 8*

#### 1. Internal communication strategy

Internal communication has been a management priority in recent years. A working group has been established, composed of the President, the Head of UFA and the coordinator for audit, internal control and evaluation.

There is an internal strategy, an internal communication policy and internal communication guidelines.

#### 2. Resources dedicated to internal communication

Web tools provide staff with a large amount of information. Several recent improvements can be pointed out:

- Minutes of Management Team meetings.
- Minutes of unit meetings available on the Intranet.
- Feedback on Administrative council meetings.
- Internal surveys (carried out internally or externally, through a service provider).
- E-mails, notably for recruitment (regularly mentioned during interviews with CPVO staff).

#### CPVO staff feedback

Several improvements have been noted by CPVO staff. However, internal communication is still considered as ineffective by a large part of the CPVO. Notably, a clear distinction is made, explicitly or implicitly, between indirect information (available through the website for instance) and direct information, effectively communicated to staff members (distinction between active/passive communication). Key information is sometimes communicated very late to staff members: the main example is the adaptation of the level of fees.

*Reminder: Staff feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

The level of information communicated internally regarding external communication is reduced (considering the distinction active/passive communication, because some elements are available on the website, or sometimes through mail).

### 13) Human resource management

#### **Operational objectives :**

Ensuring that managers effectively manage people, maintain continuity of leadership, sustain a learning environment, and provide a means to share critical knowledge.

Regularly monitor organisational health.

Ensure operational excellence in agency-wide management processes.

Improve human resource processes and services.

*Source: CPVO strategic plan draft 8*

#### 1. Resources dedicated to the HR service

1.8 FTE's are allocated to HR management. Another staff member is partially dedicated to the management of training but is not integrated into the HR service. The Management Team is also heavily involved: the Vice-President supervises the HR service.

The scope of activities is the following:

- Organisation of training and information about training possibilities.
- Information to staff on HR issues, in relation with the DG HR.
- Implementation of staff regulation and formalisation of procedures.
- Relationship with the EDPS (notification).
- Recruitment.
- Management of salaries.
- Management of personnel files.
- Management of missions.
- Elaboration of the staff policy plan and the social report.

The HR service uses the IT tool Centurio.

Very few HR meetings are organised but the HR service is invited to UFA meetings.

Several documents are still being updated concerning the implementation of the staff regulation and job descriptions.

A lot of scanning has to be performed without an appropriate scanning tool (mass scan).

#### 2. Staff training

An annual training plan is proposed, based on the career development plan.

A budget of 80K€ is dedicated to training. In 2009, 225 days were spent on training (5.2 days per post)<sup>65</sup>. 96 days were spent on language courses and 62 days on IT training. Commission training is proposed and used where appropriate.

Training is (mostly) outsourced.

Trainers are assessed.

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<sup>65</sup> Constant

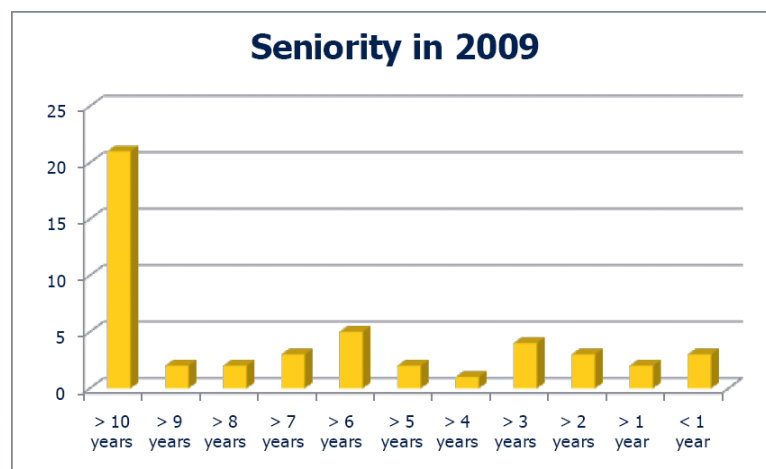
The cost of training is monitored.

### 3. Staff evaluation and career management

Several staff characteristics can be pointed out:

- The CPVO staff framework is defined by the Regulation (EC) N°2100/94 of 27 July 1994 (and modifications) and the EU staff regulation.
- The CPVO staff is small (less than 50 staff members).
- Staff members remain in the CPVO for a long time.

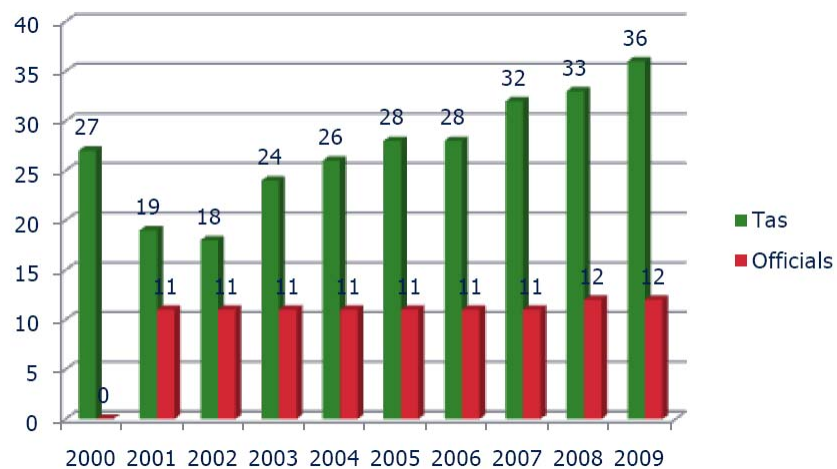
**Figure 13: Seniority in the CPVO**



Source: CPVO social report 2009

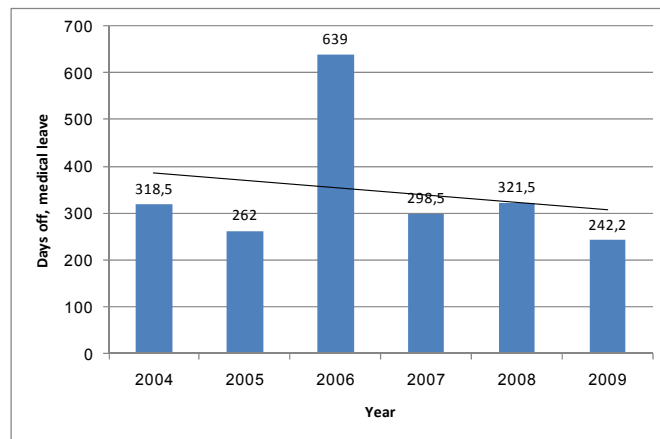
- A large part of the CPVO staff is composed of temporary agents

**Figure 14: TA/officials**



Source: CPVO social report 2009

- The total number of vacancies for medical reasons was 242 days in 2009, 2.3% of working days (globally constant each year if long-term sick leave is not counted).

**Figure 15 Medical leave, days off**

Source: CPVO social report 2009

The staff evaluation process was changed in 2009 (as a result of an external study). It is now more in line with the organisational strategy. Each staff member must define objectives in accordance with the annual work programme.

The evaluation process is not strictly linked with promotions. This is a management decision.

The rotation between jobs is difficult, given the small number of staff and activities. Management is transparent regarding this constraint.

The CPVO offers few possibilities of career development because of the small size of the organisation. However, several staff members have had the opportunity to change career within the organisation.

#### **CPVO staff feedback**

There is a quasi consensus within the CPVO staff. The evaluation process provides an opportunity for dialog with management, and is welcomed. However, the evaluation process is also considered a burden, because it is too strict, and often not adapted to the specificities of the tasks of each staff member.

*Reminder: Staff feedback is factual, and is not the evaluators' conclusion. Conclusions are the consequence of a cross analysis of facts and are described below in the part dedicated to conclusions.*

## 5. Responses to evaluation questions

***Ten evaluation questions have been described and validated during the inception phase; on the basis of the terms of reference. This chapter details the responses to these evaluation questions. These conclusions are also described in the executive summary where they are structured around the CPVO issues, rather than around the evaluation questions.***

Main evaluation theme	Evaluation questions
Effectiveness and efficiency of application processing	1: Is the processing of applications working in an effective and efficient way?
Effectiveness and efficiency of technical examinations	2-A: Is the CPVO effectively and efficiently organised to arrange technical examinations? 2-B: Does the CPVO organisation allow for efficient monitoring of Examination Offices regarding examinations performed on behalf of the CPVO?
Effectiveness and efficiency of denomination checking	3: Is the implementation of procedures for checking denominations effective and efficient?
Effectiveness and reliability of decisions	4: Is the decision making process reliable and effective?
Activities in the framework of the EU	5: Is the organisation of CPVO activities in the framework of the EU effective and efficient?
Communication	6-A: Is the CPVO internal communication satisfactory? 6-B: Is the CPVO external communication satisfactory?
Relations with stakeholders and contribution to international cooperation	7-A: Are the relationships between the CPVO and the breeders' organisations well organised and satisfactory? 7-B: Are the relationships between the CPVO and the Examination Offices well organised and satisfactory?

## **Transversal conclusions (impacts on all evaluation questions)**

### **CPVO general organisation**

- 1) The European Community regulation offers a general strategic framework for the CPVO. However, since end of 2009, the **CPVO has explicitly formulated a strategy**, in the "CPVO strategic plan"<sup>66</sup>, which sets forth policy and management objectives. It was necessary to refine the strategic framework given the fact that the European community regulation only provides the CPVO with general objectives. The **strategic plan** analysed by the evaluators describes several levels of objectives (general, specific and operational<sup>67</sup>). **The strategic framework is clear and well structured.**
- 2) The CPVO currently has **46 members of staff** (30 during the last evaluation in 2001, +53%). At the same time, the CPVO has dealt with a growing number of applications (average of +5% per year between 2001 and 2008, -9% in 2009 with the previous year)<sup>68</sup>. 2 158 applications were processed in 2001, 3 014 in 2008<sup>69</sup> (+39%). At the end of 2009, 16 783 Community Plant Variety Rights were in force (average of +22% per year since 1997). Considering the fact that additional services are now provided by the CPVO to clients and Examination Offices, **the increase in the CPVO staff is not unreasonable.**
- 3) The CPVO organisation is divided into **two units** (technical unit / administrative and financial unit), **three transversal services** (legal, human resources and IT) and one **independent service**, responsible for the quality auditing of Examination Offices (created in 2009<sup>70</sup>: the quality audit system, **QAS**). The **accountant** reports directly to the Administrative council (even if the administrative superior is the Head of Finance and Administration) but his independence is not clearly formalised in the organisation chart: it could be clarified. Otherwise, the **description of the CPVO organisation is well structured, observing EU legislation**. Moreover, the organisation has been designed to ensure **uninterrupted service** (each function has a back-up).
- 4) **Resources dedicated to management represent 11% of CPVO staff<sup>71</sup>**. The legal framework of the CPVO requires a President and one or more Vice-Presidents. The recruitment of a Deputy Head for the technical unit (TU) is a response to the workload of the Head of the TU. Furthermore, the recruitment of a Deputy Head can be used as a way to propose a career opportunity. The evaluator notices that current functions back-ups cover a need for business continuity. Nevertheless, **if the Management Team were to be further reduced<sup>72</sup>, two main solutions should be considered:**

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<sup>66</sup> The strategic plan is in progress. The evaluator founds his opinion on draft 8 of the plan.

<sup>67</sup> This terminology is used in the European Commission methodology described on EVALSED, [http://ec.europa.eu/regional\\_policy/sources/docgener/evaluation/evalsed/index\\_en.htm](http://ec.europa.eu/regional_policy/sources/docgener/evaluation/evalsed/index_en.htm)

<sup>68</sup> 2009 is the first year of decrease in the number of applications since the creation of the CPVO. The economic cyclical effect has to be taken into consideration in the analyses.

<sup>69</sup> 2 755 in 2009

<sup>70</sup> The start of the assessment program was scheduled for the beginning of 2010.

<sup>71</sup> The evaluator reminds the reader that the CPVO is a self financed agency and does not rely on EC subsidies.

<sup>72</sup> A benchmark between different agencies is difficult to analyse (not the same scope of activities, not the same issues to deal with). But for instance, in the organisation chart of the EU-OSHA, 7% of staff (total 69) are dedicated to management (however, if communication and ICT management are included, 13% of staff are dedicated to management). In the organisation chart of the EMEA 2008, 28 senior and middle managers are identified: 6% of the (481).

- a. Merging functions (as already implemented for human resources and IT): a Vice-President head of unit and/or a head of unit who is also head of the legal service...
- b. Reduction of the number of managers.

The evaluator considers **both choices to be of equal merit**. The evaluator notices that the possibility to implement changes depends on the President, the Vice-President and managers' profiles. Moreover, the evaluator is aware of the limited possibilities resulting from obligations the CPVO must cope with (in particular EC regulations, segregation of tasks, etc.).

- 5) The distinction between the A&F Unit and the Technical Unit contributes to the achievement of CPVO objectives. It is not an organisational constraint<sup>73</sup>.
- 6) The **number of EU languages spoken by the CPVO staff is excellent**<sup>74</sup>, considering the size of the agency: thirteen countries are represented within the CPVO staff, and 11 languages are spoken.

#### CPVO processes and staff allocation

- 7) **The definition of processes is clearly formalized and centralized** in the work plan and three vademecums. The CPVO work on processes, still in progress, is relevant. It follows a structured approach regarding **objectives/inputs/monitoring/responsibility**. However, the structure of the vademecum for staff procedures could be clarified. Moreover, the **vademecum is quite short on operational aspects**. It is a useful document to gain an understanding of the overall approach of the agency, but it is perhaps not a suitable supporting document for daily work.
- 8) Two full time equivalents are dedicated to the legal service for a well defined scope: legal advice to the President and other members of the Office staff, legal interpretations, draft legislation, participation in various CPVO committees (in particular decision committee), ensuring that Community procedures and legislation are respected, data protection, management of the administration of objections to applicants for CPVRs and punctual work on the contractual relationships with Examination Offices.
- 9) **Internal control, audit and evaluation are effectively organised** within the CPVO. Because of the reduced size of the organisation, direct contact with staff is easy, facilitating feedback. However, anonymous data collection could be strengthened (staffs' questionnaire).
- 10) Several issues concerning staff allocation should be taken into consideration and monitored. **Measurement of the workload**<sup>75</sup> could be a solution but it is a complex process to perform (several projects conducted within other public organisations show that staff are often reluctant<sup>76</sup>):
  - a. Staff allocation concerning the mail room (see conclusion 24),

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<sup>73</sup> Some difficulties between the TU and the AFU were identified in the previous CPVO evaluation. This conclusion is therefore no longer relevant.

<sup>74</sup> CPVO customer satisfaction survey January 2005: 94% of the clients are satisfied, and 77% of them are extremely or very satisfied with the languages used by the CPVO. All the clients interviewed during the Ernst & Young evaluation were satisfied (the sample included clients from The Netherlands, China, Ireland, Belgium, Spain, Sweden and Germany).

<sup>75</sup> For instance time-motion study techniques

<sup>76</sup> For instance, some projects currently performed in France (in the frame of the RGPP, *revue générale des politiques publiques*), especially concerning the merging of services (*CSP, centre de services partagés des services déconcentrés de l'Etat*), show that workload measurements are difficult to implement (trade unions, staff reluctance).

- b. Staff allocation concerning the register (see conclusion 24),
- c. Staff allocation concerning the denomination process (see conclusion 24),

### Monitoring

- 11) A detailed study on **indicators** has been performed by CPVO staff and it is formalised in the strategic plan, the work plan and the annual report. All the activities of the CPVO are broadly covered. Indicators are easily available (CPVO IT tools; PVR, EPM...). The link between indicators and the strategy is clear. Concerning the other RACER<sup>77</sup> criteria, the approach could be further developed.
- 12) Five elements can be pointed out:
  - a. A list of nearly one **hundred indicators** has been compiled, but without any definition of priorities. However, the Management Team uses a small set of indicators during the Management Team meetings. They could be analysed as **Key Performance Indicators**: it is a relevant approach in terms of management (management based on results). The work is still in progress and should be achieved.
  - b. **Client and Examination Office feedback is primarily informal**. This is due to the fact that the CPVO manages a very specific sector therefore direct contact is easy. However, direct contact could be strengthened and some applicants<sup>78</sup> are favourable to punctual consultations (CPVO website is an opportunity).
  - c. **Communication is not effectively monitored**. Website offers great opportunities for refined monitoring, but they are not employed.
  - d. **Prospective monitoring** is limited. It has been based, since the creation of the CPVO, on the analysis of application trends (linear, yet decreasingly relevant since last year, when for the first time there was a decrease in the number of applications submitted). Consequently, prospective indicators should be developed in order to enable management to anticipate future trends. The evaluator is aware of the difficulty to define prospective indicators (and sometimes the impossibility to find relevant indicators).
  - e. The CPVO could systematically monitor the **number of days dedicated to meetings**.

### CPVO and IT projects

- 13) Several projects (especially IT) have been conducted between 2001 and 2010. Some of these projects engendered transitional effects.
  - a. The most relevant example has been the DOCMAN project: there was (temporarily) a **growing involvement of CPVO experts in administrative activities or extra projects** (IT working groups, IT tests...).
  - b. Transitional effects should be better anticipated if new structuring projects have to be conducted.

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<sup>77</sup> Relevant/Accepted/Credible/Easy to monitor/Robust. Impact Assessment Guidelines” (European Commission, 2005)

<sup>78</sup> Four clients interviewed out of twelve have spontaneously mentioned the point. All the clients interviewed were favourable to the process of consultation performed during the evaluation.



- 14) The **range of IT tools has been greatly enhanced**. Services for clients are available (denomination database, e-communication facilities, e-publication<sup>79</sup>, application supervision, e-filing ...) as well as IT tools for the CPVO (document management...). CPVO has carried out projects of dematerialisation. They aim at increasing the **efficiency** of the work which is clearly a **relevant choice**.
- 15) The organisation of **IT projects is clearly formalised**. The summary is described in the IT master plan, specifying the upcoming projects for the next 3 years. However, the prospective approach is basic, and the IT master plan is quite evasive on years n+1 and n+2. The global **management of IT projects is done by a “generalist”, the Vice-President**, who is supported by IT managers and user managers appointed for each IT project. If IT projects were to increase in importance and in technicality within the CPVO activities, it could be relevant to appoint an expert IT manager (similar to the Head of Legal Service for legal issues); the evaluator notices that this option would be relevant in particular if the project coordination responsibility (currently placed in the hands of the Vice-President) were to require further technical skills.
- 16) The CPVO does not encourage **outsourcing when it is not clearly necessary**. The objective is to reach a high flexibility. It is a choice of management, and no incoherence could be pointed out on this choice, from an organisational point of view. The CPVO has faced some difficulties with service providers concerning some of the projects outsourced (recently the case for two service providers). From the evaluation point of view, the **reception of IT products** could be the explanation. Testing is frequently performed within the CPVO, by users, but because they are involved in other tasks, users do not dedicate enough time to carry out tests<sup>80</sup>. Moreover, they are not used to performing IT testing and do not identify potential difficulties.

#### The Data Protection Officer

- 17) The **Data Protection Officer (DPO) fulfils his objectives** regarding the protection of personal data. He manages the link and responds to requests with the EDPS (European Data Protection Supervisor) and keeps an inventory of the data processing operations of the CPVO.

#### Human resources service

- 18) CPVO staff are satisfied overall with the HR services. The formalization of the HR process is clear however, some documents are not yet updated but in progress (implementation of staff regulation, job descriptions). The HR service performs a lot of tasks, notably administrative (reimbursement of missions, scanning). Some core tasks could not be performed on time (for instance updating of job descriptions). Consequently, the adequacy of inputs dedicated to HR services management is questionable. The evaluation notices that a **transfer of workload cannot be organised from the HR service to other assistants** due to confidentiality issues. However, a transfer of workload from the **HR service to the legal service could be organised** on legal issues.
- 19) **Career development is managed** taking into consideration CPVO constraints (reduced possibilities of career development because of the reduced size of the staff, reduced mobility of the staff...). The evaluation process of staff is not strictly linked to career development; it is a deliberate management decision. Since 2010, the evaluation process has been clearly linked to the annual work programme of the agency.
- 20) **Training** is related to the staff evaluation process, and therefore to the CPVO annual work programme. Training is performed on the basis of staff' needs identification.

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<sup>79</sup> In 2009 three publications in electronic format (the Official Gazette of the Office, the Annex to the Annual report and the S2 gazette) were produced internally at the CPVO. They will be available from 2010.

<sup>80</sup> For instance, IT was outsourced on the project of online applications.

**Evaluation question 1: Is the processing of applications working in an effective and efficient way?**

- 21) The CPVO has a **clear strategy** (see *conclusion 1*), offering a relevant framework for the organisation and, therefore, a **solid basis for an effective activity**, defined as the achievement of the CPVO objectives. Moreover, the definition of processes is clear (see *conclusion 7*). The CPVO complies with the **legal framework**.
- 22) The first impact indicator is very encouraging for the CPVO: **clients are globally satisfied**<sup>81</sup>. The perception of the application process is positive. The **rate of appeals is very low**<sup>82</sup>. Since 2001, new services for clients have been developed<sup>83</sup>.
- 23) **CPVO core activities are consistent with the application process** allowing for the division of the Community Plant Variety Protection into 5 main steps:
  - a. Filing the application,
  - b. Checking the application,
  - c. Carrying out a technical examination,
  - d. Checking for variety denomination,
  - e. Granting of title.
- 24) The evaluator has identified several staff allocation issues which should be taken into consideration:
  - a. Since the implementation of Docman (the IT tool dedicated to **document management**), **scanning** of paper documents is a substantial part of the workload. A “**mail room**” is organised in order to effectively manage activity peaks. Coordination of staff already allows a flexible organisation between several tasks (reception, scanning, archiving, assistance on letters). It is a suitable approach, considering the fact that the number of applications, and therefore documents, varies from one period to another. **Staff members’ versatility has to be strengthened** so as to reduce the workload for technical staff members, since part of the scanning work is performed by the register. The mail room staff, or assistants, should be in charge of these tasks. Moreover, the mail room could be re-organised when the online application process is operational: there will be a reduced number of letters to open (and stamp)<sup>84</sup>.
  - b. Four FTE’s are allocated to the **registration**, despite the fact that the number of applications varies from one month to another.
    - i. Even if other types of tasks interfere with a strict approach application/workload (especially the maintenance of the CPVO registers and related tasks, Gazette every two months...), the scope of the register staff should probably<sup>85</sup> be more flexible: some staff resources

<sup>81</sup> CPVO customer satisfaction survey January 2005, confirmed by 2010 evaluation interviews.

<sup>82</sup> Only 135 appeals have been registered since the creation of the CPVO. This rate is quite low considering the fact that:

- The CPVO has dealt with applications since 1996.
- This figure includes also appeals between breeders.

<sup>83</sup> Extended denomination database, refined website, online application since March 2010...

<sup>84</sup> 15% of the workload is dedicated to this task (*source: Technical Unit*)

<sup>85</sup> “probably” because the conclusion should be supported by a measurement of the workload, in order to objectively assess to what extent the decrease in the workload related to the “low peaks” is offset by other activities (maintenance of the CPVO registers for instance)

should be used on other tasks than register during “low peaks” (it is already the case to some extent, with the maintenance of the CONTACT database for example).

- ii. Moreover, one of the main objectives in terms of output is not currently achieved (deliver return receipts 5 working days after the arrival date) but this indicator of performance has been greatly improved since the last evaluation in 2001. However, the definition of the indicator could be clarified: a reference frame should be defined and the frequency of analyses should be specified (monthly, yearly). This has already been identified by the CPVO and the project is in progress. The objective should therefore be reached quickly.
  - iii. Considering the input dedicated to the register (4 FTE, more than 8.5% of the staff), it could become a priority. The evaluator is aware that the register workload is not static and in particular that the number of varieties under protection increases every year. However, substantial productivity gains resulting from the implementation of the online application process will be an opportunity to reorganise the register (less opening of applications, less scanning, potential automation of tasks)<sup>86</sup>.
- 25) The **Fees definition** process is clear and transparent. Constant dialog with Examination Offices and clients is favoured. Some clients interviewed asked for a reduction of the fees but the criticism is never focused on the decision-making process<sup>87</sup> therefore it is not an organisational issue.
- 26) Concerning the **payment of fees**, the choice has been made to invoice throughout the year. Some clients ask for one payment per year (especially for clients representing a group of breeders, who have to deal with a lot of invoices) however, the Accountant has a legal obligation to collect payments owed to the Office within the shortest time frame. It is not cost-efficient for the CPVO to allow an annual payment in arrears. Therefore, the evaluator considers that **it is not relevant to change the system**, except if management decides to fulfil needs expressed by a part of breeders (and it will imply a cost)
- 27) There is an option to make payments with charge accounts (“compte-courant demandeurs”): this is a **relevant approach to reduce the administrative burden for clients**.
- 28) The CPVO internal organisation of **invoice initiation and processing** is effective. Average delays are satisfactory. Clients are satisfied: financial procedures are valued<sup>88</sup>.
- 29) The **CPVO runs the risk of non payment** by the client if Case Holders allow an examination to begin before the payment of examination fees by the client has been registered. The evaluator notices that a procedure is in place to **monitor** this issue, and Case Holders receive automated reminders (PVR): this is a first answer to the issue but the risk still exists. Even if the total amount is minor and the risk is therefore marginal, the evaluator believes that the application process should be blocked: amounts at stake could increase especially during a period of economic slump. Moreover, it would be a clear message from the CPVO in terms of operational performance.
- 30) **Objection** procedures and **appeal** procedures are implemented within the CPVO (a Board of Appeal has been set). Further appeal can be undertaken to the Court of Justice

<sup>86</sup> The first tests conducted on a sample of 9 online applications show that time required to process an application decreased from 2 weeks to 3 hours (*Source: CPVO Vice-President*).

<sup>87</sup> The most frequent remark (4 clients out of 12) is focused on the system itself: why do they have to use an intermediate (the CPVO) that can be considered an administrative burden? It could be a communication issue for the CPVO

<sup>88</sup> CPVO customer satisfaction survey January 2005: 88% of the clients are satisfied by the financial procedures. All the clients interviewed during the Ernst & Young evaluation were satisfied.

of the European Communities. Procedures are carefully designed, the process is therefore **transparent**.

- 31) The **application process is facing several major issues** (2009 was the first year of decrease in the number of applications, competition of trademarks for certain species). A **prospective approach** should become a key step in the definition of an effective and efficient process. Indeed, one can argue that the CPVO deals with a limited sector (clients would be closely linked to the CPVO), without competition on the same product (trademark is not the same protection as CPVR). Because the agency is self financed, efficiency would not be a key issue. It is not the conclusion of the evaluation: the CPVO has to anticipate a risk of client “evasion”. Currently, no tangible prospective monitoring or analysis is performed. Prospective monitoring has been based, since the creation of the CPVO, on the analysis of the linear trend in the number of applications. This is no longer relevant given there was a decrease in applications in 2009. Consequently, prospective indicators should be developed.

## **2-A: Is the CPVO effectively and efficiently organised to order technical examinations?**

- 32) The technical examinations of candidate plant varieties are performed by entrusted Examination Offices located in different EU Member States. The CPVO AC is in charge of Examination Offices entrustment. These Offices carry out tests and provide the CPVO with reports. These Offices differ from each other with regards to their size, organisation and statute (public/private). **Dialog** is permanent between them and the CPVO. Indeed, Examination Offices employ large amounts of manpower, and the CPV system is dependent on the effectiveness of their work. **Examination Offices are globally satisfied<sup>89</sup> with the CPVO** involvement and it could be considered as a correct impact indicator (notably, electronic exchange of information has been greatly improved since the last evaluation in 2001).
- 33) The formalization of the link between the CPVO and Examination Offices is effective, through **designation agreements**.
- 34) Two phases are necessary to **select Examination Offices: entrustment and designation**. Once Examination Offices are entrusted for a particular genera or species, they can be designated by the CPVO to perform technical examination of a specific variety. Concerning the designation process, defined criteria have been approved by the Administrative Council. However, the introduction of QAS requires an adaption of these criteria (not yet approved by the Administrative Council, due in October 2010).
- 35) Technical examinations and the organisation of examinations are **managed by Case Holders, with their assistants, under the guidance of management**.
- 36) **The principle of organisation is highlighted by the specialization of Case Holders in crop sectors** (currently two groups of specialization exist: fruit/ornamental and vegetables/agricultural, allowing for substitution in the case of one being unavailable). The organisation is effective but **not as flexible as it could be** if it adopted a transversal organisation (no specialization on crop sectors). Case Holders' expertise is one of the key strengths of the CPVO, and stakeholders are attached to this expertise, but it could be maintained with a re-allocation of tasks within the CPVO staff. The evaluator notices that the CPVO has already started to implement changes towards a mix between transversal competences and specialization.
- 37) Case Holders manage difficult cases on a case by case basis, under the supervision of the difficult cases committee. This is a relevant way of strengthening the process.

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<sup>89</sup> All the Examination Offices interviewed were satisfied (5 out of 5)

- 38) The evaluator considers that the QAS is a **relevant way to organise a cost-effective quality audit**. Actually, attracting competent experts to perform the audits and assess quality criteria is a crucial issue. Considering the specificity of the scope of activities, it would have been nearly impossible to find competent manpower outside of the expert bodies in charge of examinations. Moreover, the use of external auditors would have been far more expensive. The evaluator is confident in the fact that the QAS will **improve the transparency of the PVR system** and, therefore, the CPVO<sup>90</sup>.
- 39) The network of technical liaison Offices (TLOs) is a relevant intermediate for the CPVO and globally, it is effective. However, if TLOs are not reactive enough, they are no longer useful for the system and could even be counterproductive. The nomination process for the TLO should be flexible enough to allow new appointment; however, the evaluator notices that the CPVO is not in charge of nominating TLOs. It is currently a responsibility of the relevant AC member.

## **2-B: Does the CPVO organisation allow for efficient monitoring of Examination Offices regarding examinations performed on behalf of the CPVO?**

- 40) Meticulous work on indicators has been performed (*see conclusion 11*), notably concerning Examination Offices.
- 41) The **monitoring of Examination Offices regarding reporting deadlines** is not currently automated. This is not a central issue, considering the high level of management supervision, but it could be easily structured with PVR. Warnings could be automatically sent to the Examination Offices.
- 42) The **delays in the examination process** are on the whole difficult to compress. However, several opportunities for improvement exist. Some of them could be quickly implemented, depending on the CPVO (**the delay between the arrival date of incoming documents and the sending date, the delay between the arrival date of the final report and the decision, the delay between the sending of the final report to applicants and their responses**<sup>91</sup>). Contracts clauses on **penalties** could be applied. Others are more indirect and should be obtained through strengthened communication (the transmission of preliminary, interim and final reports by Examination Offices). The **reminder process to EOs can be fully automated** (no room for interpretation by the Case Holder). Communications to Examination Offices on schedules should be strengthened. Several CPVO projects on these issues are in progress.

## **3: Is the implementation of procedures for checking denominations effective and efficient?**

- 43) All clients interviewed are satisfied by the denomination process. The transparency of the denomination process is ensured, notably through the case law register, accessible for main stakeholders. The organisation of preliminary denomination testing contributes to a procedure without problems, although it does not avoid diverging decisions taken by different authorities (in order to avoid such divergences, the CPVO has favoured enhanced collaborations with authorities). One staff member is involved in the management of two databases (the denomination and the CONTACT database, offering a coherent gathering of tasks). However, the fact that **two FTEs are almost fully dedicated to the denomination could be highlighted**. Yet, the strict scope of tasks on the denomination testing (centralisation of denomination testing, database of denominations, tests of denomination proposals) appears to be relatively limited. The

<sup>90</sup> After a few mock audits performed in 2009, the first audits start in 2010.

<sup>91</sup> 2 months are prescribed by the legal basis

denomination testing and services provided (direct access to denomination database for clients, advice to clients, UPOV denominations, in the future a “prior free consultation”...) have been strengthened progressively, and it is clearly appreciated by stakeholders. If it is considered by the CPVO that too many FTEs (2 FTE, 4% of staff) are dedicated to denomination<sup>92</sup>, the current scope of denomination services could be adapted and then reduced. The evaluator considers that regarding stakeholders’ satisfaction and CPVO constraints, the denomination process is effectively organised..

#### **4: Is the decision making process reliable and effective?**

- 44) The President is clearly the legal authority<sup>93</sup> in charge of the final decision and the detailed work plan specifies who is responsible for each project/activity<sup>94</sup>. Therefore, the decision making process is **clear and transparent**.
- 45) Electronic means (as allowed by EU regulation N°874/2009) offer an opportunity to increase efficiency in the decision making process (through increased flexibility and availability of documents). A project of **e-signature** is in progress.
- 46) At the moment, the end of the application process is a decision to grant a title (or not). Some of the CPVO resources are dedicated to delivering of the title itself, however the client looks for a protection, not necessarily for a printed document. The relevant record in the register could be the only proof of protection.

#### **5: Is the organisation of CPVO activities in the framework of the EU effective and efficient?**

- 47) The CPVO deals with support/secondary activities<sup>95</sup>, more or less directly linked to the application process (**UPOV, policy guidance, CPVR enforcement**). This is clearly in line with the CPVO strategy and is therefore **relevant**. Moreover, executing these activities is a motivating element for CPVO staff members. Moreover, performing these activities is a motivating element for CPVO staff members. Time dedicated to these activities is sometimes substantial (estimation 15-20% for some Case Holders<sup>96</sup>). Therefore, the adequacy between the strategic priorities and the time dedicated to the achievement of objectives could be refined (adequacy between the level of input and the importance of the objective). Yet, the evaluator notices that prioritization of CPVO tasks could imply a side effect: postponement or non performance of tasks defined as minor, or less important. Therefore, the choice to define or not strategic priorities should be endorsed by the President..
- 48) The **CPVO has close relations with the UPOV**. The direct consequence for the CPVO is a significant involvement in the work of that international organisation. The CPVO strategic plan is clear concerning international cooperation. Some Case Holders are especially involved in UPOV working groups, however, because their core tasks concern the application process or because they are partially absorbed by new tasks, it may be possible that the **work they are expected to perform for the UPOV could be postponed, or even reduced**. This is an additional reason to modify staff allocation.

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<sup>92</sup> Workload measurement would be possible. However it is a more transversal issue (see below).

<sup>93</sup> “Decisions of the Office shall [...] be taken by or under the authority of the President of the Office”. Art 35 council regulation (EC) no 2100/94 of 27 July 1994 on Community Plant Variety Rights

<sup>94</sup> Terminology used by the CPVO

<sup>95</sup> The evaluator defines CPVO core tasks as the processing of applications *stricto sensu*.

<sup>96</sup> Workload estimation based on Case Holders work notes (*source: Technical Unit*).

- 49) Other international relations (OECD, MBP, OAPI) are clearly defined (strategic plan, detailed work plan, activity report). The multi beneficiary programme (objective: inform candidate countries for EU accession about technical, administrative and procedural aspects of the CPVR system) is monitored and the evaluation of the inputs could be extended to the scope of wider international relations (activity and travelling days spent during the programme are monitored). The adequacy between CPVO inputs and expected outputs should be regularly monitored (see conclusion 12). The evaluator is aware of the difficulty to assess and measure CPVO inputs and outputs (long term approaches, difficulties to identify causal links when facing a specific impact...). However, qualitative indicators measuring (for instance) time dedicated to these projects from one year to the other could be implemented.

#### **6-A: Is the CPVO internal communication satisfactory?**

- 50) A **strategic framework has been developed to cover internal communication**. Several improvements have been carried out and the general feedback is positive; internal communication has improved since the last evaluation in 2001. A lot of information is **available** but information is **not always prioritized**. The distinction between active communication (from the receptor to the communicant) and passive communication (from the communicant to the receptor) is not used.

#### **6-B: Is the CPVO external communication satisfactory?**

- 51) All the clients and Examination Offices interviewed during the evaluation were satisfied by the CPVO communication and communication tools. Moreover, several improvements have been carried out, notably concerning website communication. Therefore, **communication tools are considered as satisfactory**. However, the recurrent participation in fairs could be challenged by comparing the costs of participation to potential gains (number of clients reached through the participation in the fairs, tangible return on investment...). **Communication can be improved and messages can be tested before a global communication is issued**. Sometimes, confusing messages are communicated. For instance in the case of online payments, some clients mistakenly understood that it would be accessible quickly<sup>97</sup>. When fees have been recently increased, several clients have not understood the background of the decision<sup>98</sup>.
- 52) There is **no exhaustive formal procedure describing the communication process towards clients except a procedure on administrative good behaviour, and a concise part in the CPVO work plan** however this is not an issue of effectiveness, considering the high level of clients' satisfaction. Moreover the CPVO deals with a reduced number of well known clients and Examination Offices. Consequently, the evaluator concludes that the **customer relationship is well organised and effective**.
- 53) It is true that the CPVO "market" is very small however several **factors could support the objective of a more active external communication**.
- a. For the first time in 2009, the number of applications decreased. This evolution seems more related to cyclical factors (economic downturn), rather than related to structural factors.
  - b. Trademarks, patents could compete with the CPVR system in the near future.

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<sup>97</sup> CPVO staff' feedback (two), confirmed by two clients interviewed.

<sup>98</sup> CPVO staff' feedback (two), confirmed by eight clients interviewed.

- c. Some potential clients might not be aware of the advantages of the CPVR system.
- 54) All **communication** with the applicant during the objection process should be carried out by the Legal Service. The CPVO procedure is clear. However, some Case Holders are involved in the processing of objections, acting as intermediates with the client. This **could be entirely delegated to the legal service** and, therefore, the breakdown of tasks between the Legal Service and the TU could be changed. However, it is clearly a management decision therefore is **not an urgent organisational issue**.

**7-A: Are the relationships between the CPVO and the breeders' organisations well organised and satisfactory?**

- 55) As breeders are CPVO clients, the CPVO is constantly in contact with them and has intensive contacts with two breeders' associations<sup>99</sup> representing the users of the system. Two breeders' associations were interviewed (ESA and CIOPORA). Both of them are clearly satisfied by their involvement and the transparency of the CPVO.
- 56) The relationship is clearly described in the CPVO procedures (see conclusion 7) .
- 57) Breeders' associations are not involved in the Administrative Council. Clients' representation would be relevant, considering the close relationship in the CPVO sector. Pragmatically, they are systematically associated to major decisions. Therefore, it would be relevant that the system takes into consideration the practice.

**7-B: Are the relationships between the CPVO and the Examination Offices well organised and satisfactory?**

- 58) There is a broad consensus (CPVO staff members, and five Examination Offices interviewed) on the quality of the organisation between the CPVO and the Examination Offices. It is considered by evaluators as a correct impact indicator.
- 59) The relationship is clearly described in the CPVO procedures (see conclusion 7) .  
*See conclusion to Evaluation Question 2-A: questions 7-B and 2-A are interlinked*

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<sup>99</sup> CIOPORA, ESA



**Transversal conclusion: Is merging the CPVO with one or several other European agencies or centralizing support activities in one place (Brussels or another agency) relevant?**

60) Several advantages and drawbacks could be pointed out:

Advantages	Drawbacks
Economies of scale on administrative staff	Reduced visibility for plant variety experts
Economies of scale on IT staff	Likelihood of no more individualised assistance on administrative and financial tasks (distance between clients/Examination Offices and CPVO staff)
Economies of scale on buildings	Risks on IT solutions, no longer adapted to very specific CPVO needs (especially concerning PVR)
Economies of scale on IT infrastructures	Reduced reactivity of IT support
Economies of scale on audits	Consideration of geographical location

There is no clear solution and the evaluation points out the complexity related to the following factors of decisions. In fact, the conclusion depends on the defined objectives. If increased efficiency is desired, the advantages/drawbacks analysis seems favourable to a merger. If individual assistance to clients or political considerations concerning the location (for instance) are priorities, the conclusion would be different.

**Figure 16: Achievement of operational objectives: summary**

Operational objectives	Achievement
Design and implement a comprehensive quality system for Examination Offices	~
Introduce e-filing, e-communication facilities with applicants as well as electronic ordering and invoicing	~
Introduce a comprehensive electronic document management system enabling additional services for clients like e-access to the registers or variety descriptions	√
Introduce electronic exchange of information with Examination Offices.	√
Host UPOV working group meetings	√
Organise expert meetings on Community level	√
Coordinate and stimulate European input in technical UPOV meetings	√
Inform EU member states and non European members of UPOV about software developed by the CPVO for the processing of applications and the testing of denominations	√
Coordinate denominations testing on Community level.	√
Receive delegations of non EU states	√
Facilitate the takeover of CPVO test reports by concluding memoranda of understanding or lighter forms of agreements with non EU Member States.	√
Participate in and contribute to relevant international seminars and forums.	√
Raise awareness in interested circles of implications of plant variety protection in general and the Community system in particular through the organisation of seminars and by means of other communication tools, such as articles and interviews in specialised publications, accessible information on the CPVO website.	√
Organise open days to explain the system to breeders, plant producers and farmers.	√
Ensuring that managers effectively manage people, maintain continuity of leadership, sustain a learning environment, and provide a means to share critical knowledge	√
Following the internal communication strategy and work programme	√
Regularly monitor organisational health	√
Ensure operational excellence in agency-wide management processes	√
Establishing an agency-wide approach for financial management	√
Establishing methods for more accurate and timely predictions of application filing, workload, and revenue	~
Providing an automated operating environment for conducting financial management business with the CPVO	√
Improve human resource processes and services	√
Improve the quality, cost-effectiveness, and timeliness of IT solutions	~
Expanding searchable information, Providing streamlined access to information, Increasing system capabilities for access to information	√
Implementing secure PVR office information exchange	√

## 6. Recommendations

***This chapter details all the recommendations from the evaluation, related to the responses to the evaluation questions.***

### **Four elements to take into consideration before formulating recommendations**

- 1) The CPVO benefits from a monopoly situation on its core activity: the management of CPVR protection. Competition exists but concerns alternative protection: patents, trademarks.
- 2) The CPVO is one of the rare self-financed European agencies. The efficiency of the Office is therefore not as significant an issue as it may be for other European agencies, although sound financial management remains an objective
- 3) The CPVO manages a very specific sector, with a limited number of stakeholders (clients, Examination Offices, breeders' association...). The consequence is a close relationship between the CPVO and the stakeholders.
- 4) To date, four Examination Offices carry out more than 80% of examinations for the CPVO.

### **28 recommendations for a more effective and efficient organisation of the CPVO**

The recommendations are grouped into action priorities:

- Strategy/prospective approach
- Organisation chart, processes and staff allocation
- Monitoring
- Communication
- Administrative Council

For detailed recommendations, please refer to [page 25](#): recommendations are embedded in the Executive Summary



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## 7.1. Selection criteria for CPVO applicants

Applicant	Agricultural species	Ornamental species	Fruit species	Vegetable	More than 9 applications	High number of applicants represented	Nationality
Averis seeds	X				No	No	NL
Nunhems B.V.				X	Yes	No	NI
Van Zanten 1		X			Yes	No	NI
Hortis Holland	X	X	X	X	Yes	Yes	N/A
Kunming Brighten Floriculture Ltd.		X			No	No	CN
Francis Doherty Malachy		X			No	No	IE
Paraty		X			Yes	No	BE
Royal Administration		X	X	X	Yes	Yes	N/A
Seleccion Plantas			X		Yes	No	ES
Svalof	X				Yes	No	SE
Van Waveren	X				No	No	DE
Van Zanten 2		X			Yes	No	NI



## 7.2. Data collection tools: questionnaire and interview guidelines

### Questionnaire to applicants

The questionnaire is divided into 8 parts, dealing with 8 themes (21 questions):

1. Application process,
2. Quality audit system,
3. Financial procedures,
4. Languages,
5. Fees management,
6. Communication,
7. Web solutions,
8. CPVO decisions.

#### Application process

ID	Questions	Related evaluation question	Comments
1. :	What could be improved to facilitate the access to information and administrative documents (standard forms, standards questionnaires)?	1, 6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 2.
2. :	Does the CPVO provide you with a useful support?	1, 6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 2.
3. :	Do you face difficulties during the process of application?	1, 6-A, 6-B, 7-A	
4. :	What is your opinion on the time required to complete the process of application? What could be done to reduce delays?	1, 6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 2.
5. :	What is your point of view on the quality and reliability of technical examinations performed by Examination Offices on behalf of the CPVO?	1, 6-A, 6-B, 7-A	

#### CPVO quality audit system

ID	Questions	Related evaluation question	Comments
6. :	Are you aware of the CPVO quality audit system project?	1, 6-B, 7-A	
7. :	What is your point of view on the implementation of a quality audit service within the CPVO?	1, 6-B, 7-A	

**Financial procedures**

ID	Questions	Related evaluation question	Comments
8. :	Have you faced any difficulties with CPVO debit notes? If yes, does the CPVO provide you with useful advice?	1, 6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 3

**Languages**

ID	Questions	Related evaluation question	Comments
9. :	Could not using your mother tongue be an impediment? If yes, could you specify for which CPVO services.	1, 6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 7 and 8

**Fees management**

ID	Questions	Related evaluation question	Comments
10. :	Do you think the CPVO makes proper use of the collected fees, through effective management of its finance?	1, 6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 11 and 12
11.	Can you suggest any improvements in this area?	1, 6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 13
12.	Do you consider the community system as expensive when you compare it to foreign systems of protection?	1, 6-A, 6-B, 7-A	

**Communication**

ID	Questions	Related evaluation question	Comments
13. :	If you use communication media provided by the CPVO (Internet, Gazette...), does it meet your needs?	6-A, 6-B	Use of CPVO customer satisfaction survey results, question 14-18
14.	Do you believe that information has become more accessible since the CPVO further developed its communication tools?	6-A, 6-B	
15. :	Do you expect more communication, or improved communication from the CPVO?	6-A, 6-B	Use of CPVO customer satisfaction survey results, question 14-18
16.	Do you believe that website communication is sufficient, or is it relevant to have several communication tools?	6-A, 6-B	Use of CPVO customer satisfaction survey results, question 14-18
17.	Do you have the feeling that the CPVO is aware of your expectations in terms of	6-A, 6-B	Use of CPVO customer satisfaction survey

	communication? If not, what could be done?		results, question 14-18
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**Web solutions**

ID	Questions	Related evaluation question	Comments
18. :	Have you been clearly informed about the schedule regarding the CPVO e-applications developments?	1, 6-A, 6-B	Use of CPVO customer satisfaction survey results, question 19-21
19. :	What should be changed quickly on internet solutions and services provided by the CPVO? What changes can wait?	1, 6-A, 6-B	Use of CPVO customer satisfaction survey results, question 19-21

**CPVO decisions**

ID	Questions	Related evaluation question	Comments
20. :	Do you have any concerns regarding the quality of CPVO decisions?	1, 4, 6-A, 6-B	Use of CPVO customer satisfaction survey results, question 19-21
21. :	Do you think that breeders' interests are properly taken into account by the CPVO?	1, 4, 6-A, 6-B	Use of CPVO customer satisfaction survey results, question 19-21

## Interview guidelines: Examination Offices

The interview is divided into 4 parts, dealing with 4 themes (13 questions):

1. Examination process,
2. Quality audit system,
3. Communication,
4. Web solutions.

### **Examination process**

ID	Questions	Related evaluation question	Comments
1. :	Does the CPVO provide you with useful support?	1, 2-B, 6-A, 6-B, 7-B	
2. :	What is your opinion on the time required to complete the process of application? What could be done to reduce delays?	1, 2-B, 6-A, 6-B, 7-B	
3. :	What is your position on Technical Liaison officers (TLOs)? Do you find them useful? What could be improved?	1, 2-B, 6-A, 6-B, 7-B	

### **CPVO quality audit system**

ID	Questions	Related evaluation question	Comments
4. :	Are you aware of the CPVO quality audit system project?	1, 6-B, 7-B	
5. :	What is your point of view on the implementation of a quality audit service within the CPVO?	1, 6-B, 7-B	

### **Communication**

ID	Questions	Related evaluation question	Comments
6. :	Could not using your mother tongue be an impediment? If yes, could you specify for which CPVO services.	6-B, 7-B	
7. :	If you use communication media provided by the CPVO (Internet, Gazette...), does it meet your needs?	6-B, 7-B	
8. :	Do you believe that information has become more accessible since the CPVO further developed its communication tools?	6-B, 7-B	
9. :	Do you expect more communication, or	6-B, 7-B	

	improved communication from the CPVO?		
10. :	Do you believe that website communication is sufficient or is it relevant to have several communication tools?	6-B, 7-B	
11.	Do you have the feeling that the CPVO is aware of your expectations in terms of communication? If not, what could be done?	6-B, 7-B	

### **Web solutions**

ID	Questions	Related evaluation question	Comments
12. :	Have you been clearly informed about the schedule regarding the CPVO e-applications developments?	1, 4, 6-B, 7-B	
13. :	What should be changed quickly on internet solutions and services provided by the CPVO? What changes can wait?	1, 4, 6-B, 7-B	

## Interview guidelines: DG SANCO

The interview is divided into 8 parts, dealing with 8 themes (19 questions):

1. Application process
2. Fees management
3. Communication
4. CPVO decisions
5. CPVO quality audit system
6. CPVO contribution to the enforcement of Community rights
7. CPVO contribution to international cooperation
8. CPVO efficiency

### Application process

ID	Questions	Related evaluation question	Comments
1. :	What is your opinion on the time required to complete the technical procedures? What could be done to reduce delays?	1, 2-B, 6-A, 6-B	
2. :	What is your position on Technical Liaison officers (TLOs)? Do you find them useful? What could be improved?	1, 2-B, 6-A, 6-B	
3. :	Do you know if breeders face difficulties during the application process?	1, 6-A, 6-B, 7-A	

### Fees management

ID	Questions	Related evaluation question	Comments
4. :	Do you think the CPVO makes proper use of the collected fees, through effective management of its finances?	1, 6-B	

### Communication

ID	Questions	Related evaluation question	Comments
5. :	Do you believe that information has become more accessible since the CPVO further developed its communication tools?	6-B	
6. :	Are you expecting more communication, or improved communication from the CPVO?	6-B	
7.	What is your point of view on the CPVO corporate identity?	6-B, 7-A	

**CPVO decisions**

ID	Questions	Related evaluation question	Comments
8. :	Do you have any concerns regarding the quality of CPVO decisions?	1, 4, 6-B	

**CPVO quality audit system**

ID	Questions	Related evaluation question	Comments
9. :	Are you aware of the CPVO quality audit system project?	1, 6-B, 7-B	
10. :	What is your point of view on the implementation of a quality audit service within the CPVO?	1, 6-B, 7-B	

**CPVO contribution to the enforcement of Community rights**

ID	Questions	Related evaluation question	Comments
11. :	Are you aware of the contribution of the CPVO to the enforcement of Community rights, and the organisation of its activities?	5, 6-B	
12. :	Are you satisfied?	5, 6-B	

**CPVO contribution to international cooperation**

ID	Questions	Related evaluation question	Comments
13. :	What is your opinion on CPVO contribution to international cooperation?	5, 6-B	
14. :	Do you know what the CPVO inputs are? Are you satisfied by the level of contribution?	5, 6-B	
15. :	Do you believe that CPVO has adopted the right organisation to ensure an efficient contribution to international cooperation?	5, 6-B	

**CPVO efficiency**

ID	Questions	Related evaluation question	Comments
16. :	Do you believe that the CPVO could, in the mid-term, deal with an extended scope of activities? Which additional activities could be assigned to the agency? Could these	Transversal question	The management of the common catalogue will be mentioned

	activities be performed with the same level of inputs?		
17. :	Do you believe that it is relevant to merge the CPVO with larger agencies, looking for economies of scale?	Transversal question	
18. :	Do you believe that CPVO has adopted the right organisational model to ensure an efficient contribution to its objectives?	Transversal question	



## Interview guidelines: breeders' associations

The interview is divided into 6 parts, dealing with 7 themes (21 questions):

1. CPVO technical and financial procedures
2. Communication
3. Web solutions
4. CPVO quality audit system
5. CPVO contribution to international cooperation
6. CPVO contribution to the enforcement of Community plant variety rights
7. CPVO decisions

### **CPVO technical and financial procedures**

ID	Questions	Related evaluation question	Comments
1. :	What could be improved to facilitate the access to information and administrative documents (standard forms, standards questionnaires)?	1, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 2.
2. :	Does the CPVO provide breeders with useful support?	1, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 2.
3. :	Do you know if breeders face difficulties during the application process?	1, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 2 and 3
4. :	What is your opinion on the time required to complete the technical procedures? What could be done to reduce the delays?	1, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 2.
5. :	What is your point of view on the quality and reliability of technical examinations performed by Examination Offices on behalf of the CPVO?	1, 6-B, 7-A	

### **Communication**

ID	Questions	Related evaluation question	Comments
6. :	If you use communication media provided by the CPVO (Internet, Gazette...), does it meet your needs?	6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 14-18
7. :	Do you expect more communication, or improved communication from the CPVO?	6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 14-18
8. :	Do you believe that website communication is sufficient or is it relevant to have several communication tools?	6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 14-18
9. :	Do you have the feeling that the CPVO is aware of your expectations in terms of	6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey

	communication? If not, what could be done?		results, question 14-18
10. :	What is your point of view on the CPVO corporate identity?	6-B, 7-A	

**Web solutions**

ID	Questions	Related evaluation question	Comments
11. :	Have you been clearly informed about the schedule regarding the CPVO e-applications developments?	6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 19-21
12. :	What should be changed quickly on internet solutions and services provided by the CPVO? What changes can wait?	6-A, 6-B, 7-A	Use of CPVO customer satisfaction survey results, question 19-21

**CPVO quality audit system**

ID	Questions	Related evaluation question	Comments
13. :	Are you aware of the CPVO quality audit system project?	1, 6-B, 7-A	
14. :	What is your point of view on the implementation of a quality audit service within the CPVO?	1, 6-B, 7-A	

**CPVO contribution to international cooperation**

ID	Questions	Related evaluation question	Comments
15. :	What is your opinion on CPVO contribution to international cooperation?	1, 6-B, 7-A	
16. :	Do you know what the CPVO inputs are? Are you satisfied by the level of contribution?	1, 6-B, 7-A	
17. :	Do you believe that CPVO has adopted the right organisation to ensure an efficient contribution to international cooperation?	1, 6-B, 7-A	

**CPVO contribution to the enforcement of Community rights**

ID	Questions	Related evaluation question	Comments
18. :	Are you aware of the contribution of the CPVO to the enforcement of Community rights, and the organisation of its activities?	5, 6-B	
19. :	Are you satisfied?	5, 6-B	

**CPVO decisions**

ID	Questions	Related evaluation question	Comments
20. :	Do you have any concerns regarding the quality of CPVO decisions?	1-A, 4-A, 6-A, 7-A	Use of CPVO customer satisfaction survey results, question 19-21
21. :	Do you believe that you are sufficiently represented within the CPVO?	1-A, 4-A, 6-A, 7-A	Use of CPVO customer satisfaction survey results, question 19-21

## 7.3. Analytical approach per evaluation question

Each evaluation question has been detailed in an evaluation grid that presents the analytical approach.

### Effectiveness and efficiency of application processing

#### Evaluation question

1: Is the processing of applications working in an effective and efficient way?

#### Understanding of the question

Given the analysis of the CPVO strategy, its organisation and the CPVO context of intervention, are procedures for processing applications **adequately established and functioning correctly**? Do they enable reliable, **effective and transparent processing of all applications** received?

According to the CPVO strategy plan, several objectives are assigned specifically to applications processing. This evaluation question also deals with the achievement, or not, of these objectives, particularly with regard to the issue of **resources allocated to application processes**. (However, the evaluation team bears in mind that the CPVO has never faced financial difficulties and is self financed. Therefore, financial efficiency must not be the core focus of the analysis. As a consequence, the analysis will be focused on human resource allocation and information systems).

#### Judgment criteria

- 1- Completeness of procedures describing each step of the application process
- 2- Transparency of task allocation and respective responsibilities
- 3- Adequacy of CPVO staff competencies with CPVO tasks to be performed
- 4- Adequacy of the CPVO staff organisation regarding tasks to be performed
- 5- Capacity of information systems to provide the CPVO staff with adequate means to reach assigned objectives
- 6- Reliability, validity and transparency of applications' evaluation
- 7- Control of the delays faced in applications processes
- 8- Use of European Union languages

Types of analyses	Indicators (quantitative) and descriptors (qualitative)	Sources of information
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Analysis of the process	- Existence of a written procedure	Vademecum
	- Clearness of the procedure and its objectives	Work plan
	- Comparison with actual process/procedure	Interviews with CPVO officials (Technical Unit)
	- Applicants' satisfaction towards applications processing	Applicants questionnaire and interviews
		CPVO statistics on CPVO activities
		Interviews with Examination Offices
Analysis of CPVO staff		Interviews with DG SANCO
		Interviews with breeders' associations
	- Existence of a clear organisation chart	Vademecum
	- Satisfaction of CPVO staff regarding the organisation	Work plan
	- Adequacy between staff organisation and CPVO tasks to be performed (work burden and competencies required)	CPVO organisation chart
	- Knowledge of CPVO staff regarding CPVO activity (different units, different sectors of intervention...)	Interviews with CPVO officials
	- Existence of double profiles thus ensuring the management of staff absences	
	- Adequacy of staff organisation facing activity peaks (for instance November/December)	
Analysis of IT systems	- Staff expenses/ Staff expenses per title	
	- CPVO staff satisfaction	
	- Coherence between CPVO objectives and IT systems descriptions	Vademecum
	- Time necessary to make systems operational (e-filing, e-communication facilities with applicants...)	Work plan
	- Percentage of applications, orders and invoices processed electronically	Interviews with CPVO officials
		Any relevant document describing IT systems
		IT systems previous audits
		Interviews with breeders' associations

Analysis of delays	- Average delay to process requests (and median)	CPVO statistics
	- Range of delays to process requests (longest and shortest delays)	Interviews with Examination Offices
	- Delays of responses on specific requests or applicants' questions	Interviews with DG SANCO
	- Delay between arrival date at the office and recording in PVR	Interviews with breeders' associations
	- Delay between arrival date of applications and sending date of receipts	
	- Time elapsed between arrival date of application and sending date of specific letter to client	
	- Time elapsed between arrival date of incoming document and send by date of reply to client	
Analyses of languages used by the CPVO	- Number of languages used by the CPVO	Interviews with CPVO officials
	- Number of languages used in requests	CPVO database on requests
		Interviews with Examination Offices
		Interviews with breeders' associations

#### Methodological limits

- Availability of data on the CPVO activity
- The analysis of IT systems is limited to the identification of gaps between the objectives to be achieved, and the means dedicated to them. It is not an IT audit and will be mainly based on CPVO staff opinions.

## Effectiveness and efficiency of technical examinations

### Evaluation question

2-A: Is the CPVO effectively and efficiently organised to arrange technical examinations?

### Understanding of the question

The CPVO does not carry out technical examinations however it plays a crucial role in the technical examination process, ensuring coordination and harmonization. The evaluation question 2-A is **focused on the relationship between the CPVO objective fulfilment and the CPVO organisation**: does the CPVO organisation reach its objectives? Even if the CPVO objectives are fulfilled, could they be fulfilled with reduced means, or could results be better with means?

## Judgment criteria

- 1- Completeness of procedures describing each step of the ordering process
- 2- Clearness of the objectives and means dedicated to each procedure
- 3- Clarity of task allocation and respective responsibilities
- 4- Adequacy of CPVO staff competencies with CPVO tasks to be performed
- 5- Adequacy of the CPVO staff organisation regarding tasks to be performed
- 6- Capacity of information systems to provide the CPVO staff with adequate means to reach assigned objectives
- 7- Control of the delays faced in the ordering processes

Types of analyses	Indicators (quantitative) and descriptors (qualitative)	Sources of information
Analysis of the process	<ul style="list-style-type: none"> <li>- Existence of written procedures</li> <li>- Comparison with actual process/procedures</li> </ul>	Vademecum Work plan Interviews with CPVO officials Interviews with DG SANCO
Analysis of task allocations within the CPVO	<ul style="list-style-type: none"> <li>- Formalization of responsibilities for each task of procedures</li> <li>- Number of reports taken over from and by CPVO</li> </ul>	Strategic plan Vademecum Work plan Interviews with CPVO officials
Analysis of the CPVO context	<ul style="list-style-type: none"> <li>- Formalization of the CPVO context analysis</li> <li>- Updates of the CPVO context analysis</li> <li>- Relationships between the CPVO context analysis and the definition of CPVO procedures (stakes and correlative resolutions in the procedures)</li> </ul>	Strategic plan Vademecum Work plan Interviews with CPVO officials
Analysis of CPVO staff	<ul style="list-style-type: none"> <li>- Existence of a clear organisation chart</li> <li>- Satisfaction of CPVO staff regarding the organisation</li> <li>- Adequacy between staff organisation and CPVO tasks to be performed (work burden and competencies required)</li> <li>- Knowledge of CPVO staff regarding CPVO activity (different units, different sectors of intervention...)</li> <li>- Staff expenses/ Staff expenses per technical examination monitored</li> <li>- CPVO staff satisfaction</li> </ul>	Vademecum Work plan CPVO organisation chart Interviews with CPVO officials

Analysis of IT systems	<ul style="list-style-type: none"> <li>- Coherence between CPVO objectives and IT system description</li> <li>- Time necessary to make systems operational (e-filing, e-communication facilities with applicants...)</li> </ul>	Vademecum Work plan Interviews with CPVO officials Any relevant document describing IT systems IT systems previous audits
Analysis of delays	<ul style="list-style-type: none"> <li>- Delays between the application registering and the decision from the Examination Office</li> <li>- Time elapsed between arrival date of application and final decision.</li> <li>- Payments</li> </ul>	CPVO statistics
Methodological limits		
<ul style="list-style-type: none"> <li>- Availability of data on the CPVO activity</li> <li>- The analysis of IT systems is limited to the identification of gaps between the objectives to be achieved, and the means dedicated to them. It is not an IT audit and will be mainly based on CPVO staff opinions.</li> </ul>		

### Evaluation question

2-B: Does the CPVO organisation allow for efficient monitoring of Examination Offices regarding examinations performed on behalf of the CPVO?

### Understanding of the question

The CPVO does not carry out technical examinations itself. One of its responsibilities is therefore to establish a precise follow-up of the Examination Offices. The evaluation question 2-B is **focused on the relationship between the CPVO and the Examination Offices, in terms of monitoring**. Does the CPVO collect relevant data so as to effectively monitor the technical examination process? Is the CPVO effectively organised so as to effectively monitor the technical examination process? This evaluation question is intricately related to the evaluation question 7-B (“Are the relationships between the CPVO and the Examination Offices well organised and satisfactory”).

### Judgment criteria

- 1- Accuracy of the monitoring system regarding the needs of the Management Team
- 2- Quality of the indicators (RACER criteria<sup>100</sup>: relevant, accepted, credible, easy to monitor, robust)

<sup>100</sup> Impact Assessment Guidelines” (European Commission, 2005)



Types of analyses	Indicators (quantitative) and descriptors (qualitative)	Sources of information
Analyses of the monitoring system	<ul style="list-style-type: none"> <li>- Existence of a monitoring system</li> <li>- Conformity between Management Team's needs in terms of monitoring and available data</li> <li>- Coherence between CPVO objectives and IT systems descriptions</li> </ul>	Vademecum Work plan Interviews with CPVO officials Any relevant document describing IT systems IT systems previous audits
Analyses of the indicators	<ul style="list-style-type: none"> <li>- Coherence between indicators and Management Team's expectations/CPVO objectives</li> <li>- Stakeholders perception of existing indicators</li> <li>- Time required to collect indicators</li> <li>- Resources required to collect indicators</li> <li>- Stability of indicators (number of changes in the set of chosen indicators)</li> </ul>	Vademecum Work plan Interviews with CPVO officials Interviews with Examination Offices
Methodological limits		
<ul style="list-style-type: none"> <li>- No limit foreseen</li> </ul>		

## Effectiveness and efficiency of denomination checking

### Evaluation question

3 - Is the implementation of procedures for checking denominations effective and efficient?

### Understanding of the question

The CPVO deals with proposals for a variety of denominations.

This question entails two sub-questions:

- **the relevance of procedures:** given the analysis of the CPVO strategy, its organisation and the CPVO context of intervention, are procedures adequately established? Are their descriptions sufficiently specific to understand their objectives and the means to reach them?

- **their implementation:** the CPVO deals with proposals for a variety of denominations. Several objectives are assigned to denomination processes. This evaluation question deals with the **achievement, or not, of these objectives.**

Since July 2005, the CPVO has released a **website** to test proposals of a variety of denominations for similarity. Today, the database contains more than half a million denominations from national listings and plant variety registers of the EU and UPOV Member States. This evaluation question thus **includes the analyses of the cooperation between the CPVO and the UPOV**. Since 2007, a new version of the website also gives EU-based applicants and their procedural representatives the possibility to pre-check their denomination proposals for similarity.

## Judgment criteria

- 1- Completeness of procedures describing each step of the denomination process
- 2- Clearness of the objectives and means dedicated to each procedure
- 3- Clarity of task allocation and respective responsibilities
- 4- Reliability of the denomination process
- 5- Adequacy of CPVO staff competencies with CPVO tasks to be performed
- 6- Adequacy of the CPVO staff organisation regarding tasks to be performed
- 7- Capacity of information systems to provide the CPVO staff with adequate means to reach assigned objectives
- 8- Control of the delays faced in the denomination processes
- 9- Use of European Union languages

Types of analyses	Indicators (quantitative) and descriptors (qualitative)	Sources of information
Analysis of the process	<ul style="list-style-type: none"> <li>- Existence of procedures</li> <li>- Comparison with actual process/procedures</li> </ul>	Vademecum Work plan Interviews with CPVO officials
Analysis of CPVO objectives	<ul style="list-style-type: none"> <li>- Formalization of objectives</li> <li>- Formalization of the hierarchy between objectives</li> <li>- Formalization of the relationship between objectives (causality links)</li> <li>- Formalization of means to reach the objectives</li> <li>- Number of denominations tested</li> <li>- Number of national decisions on proposed denominations that conflict with CPVO rules</li> </ul>	Strategic plan CPVO website Vademecum Work plan Interviews with CPVO officials
Analysis of task allocations within the CPVO	<ul style="list-style-type: none"> <li>- Formalization of responsibilities for each task of procedures</li> </ul>	Strategic plan Vademecum Work plan Interviews with CPVO officials
Analysis of the CPVO context	<ul style="list-style-type: none"> <li>- Formalization of the CPVO context analysis</li> <li>- Updates of the CPVO context analysis</li> <li>- Relationships between the CPVO context analysis and the definition of CPVO procedures (stakes and correlative resolutions in the procedures)</li> </ul>	Strategic plan Vademecum Work plan Interviews with CPVO officials

Analysis of the denomination process	- Existence of a procedure	Vademecum
	- Clearness of the procedure (see evaluation question 1-A) and its objectives	Work plan
	- Applicants' satisfaction	Interviews with CPVO officials (Technical Unit)
	- Average delay to process requests (and median)	Applicants questionnaire and interviews
	- Range of delays to process requests (longest and shortest delays)	CPVO statistics on CPVO activities
	- Delays of responses on specific requests or applicants' questions	
Analysis of CPVO staff	- Use of European Union languages	
	- Existence of a clear organisation chart	Vademecum
	- Satisfaction of CPVO staff regarding the organisation	Work plan
	- Adequacy between staff organisation and CPVO tasks to be performed (work burden and competencies required)	CPVO organisation chart
	- Knowledge of CPVO staff regarding CPVO activity (different units, different sectors of intervention...)	Interviews with CPVO officials
	- Existence of a communication process within CPVO staff	
Analysis of IT systems	- Staff expenses	
	- Staff expenses per denomination checked	
	- CPVO staff satisfaction	Vademecum
	- Coherence between CPVO objectives and IT systems descriptions	Work plan
	- Time necessary to make systems operational (e-filing, e-communication facilities with applicants...)	Interviews with CPVO officials
		Any relevant document describing IT systems
		IT systems previous audits
Analysis of delays	- Delays between the denomination proposal and the decision	CPVO statistics
Analyses of languages used by the CPVO	- Number of languages used by the CPVO	Interviews with CPVO officials
	- Number of languages used in requests	CPVO database on requests

#### Methodological limits

- Availability of data on the CPVO activity
- The analysis of IT systems is limited to the identification of gaps between the objectives to be achieved, and the means dedicated to them. It is not an IT audit and will be mainly based on CPVO staff opinions.

## Effectiveness and reliability of decision-making process

### Evaluation question

4: Is the decision making process reliable and effective?

### Understanding of the question

The final step of the CPVO processes is the decision. Even if the CPVO regulatory framework does not allow excessive freedom in the decision, the perception of the decision by the applicants does not necessarily conform to the reality of the decision making process. This evaluation question is thus especially **focused on the stakeholders' perception of the decision making process**.

### Judgment criteria

- 1- The decision making process is transparent
- 2- The decision making process is accepted
- 3- The delays in making decisions are satisfactory

Types of analyses	Indicators (quantitative) and descriptors (qualitative)	Sources of information
Analyses of the process transparency	<ul style="list-style-type: none"> <li>- Existence of a clear description of the decision making process</li> <li>- Communication relating to the decision</li> </ul>	Vademecum Work plan Interviews with CPVO officials Questionnaire and interviews with applicants Interviews with breeders' associations Interviews with Examination Offices
Analyses of the decision acceptance	<ul style="list-style-type: none"> <li>- Stakeholders' opinions</li> <li>- The number of appeals and objections</li> <li>- Percentage of Board of Appeal cases lost by the CPVO</li> <li>- Percentage of court cases lost by the CPVO</li> </ul>	Interviews with CPVO officials Questionnaire and interviews with applicants Interviews with breeders' associations Interviews with Examination Offices
Analyses of delays	<ul style="list-style-type: none"> <li>- Average time between reception of test report and final decision</li> </ul>	CPVO statistics

### Methodological limits

- Availability of data on delays

## Activities in the framework of the EU

### Evaluation question

5: Is the organisation of CPVO activities in the framework of the EU effective and efficient?

### Understanding of the question

Besides its core business (granting rights based on qualitative analyses of DUS), the CPVO also contributes to activities in the framework of the EU in different forms. The CPVO has developed various activities with the aim of increasing awareness of the implications of the Community PVP system of relevant target groups:

- policy guidance within the European institutional framework,
- information on farm-saved seed to breeders,
- seminars to inform officials, lawyers, representatives of the breeding industry and of farmers on the PVP system,
- international cooperation with non EU States and the UPOV.

This evaluation question **is focused on the CPVO measures dedicated to these “secondary activities”**. Results of these activities are out of the evaluation scope, given the fact the evaluation is dedicated to the CPVO organisation and its activities, not the PVP system as a whole.

### Judgment criteria

- 1- Existence and variety of CPVO inputs on activities in the framework of the EU
- 2- Existence of clear objectives and descriptions of CPVO activities in the framework of the EU
- 3- Human resources allocated to CPVO activities in the framework of the EU
- 4- Perception of stakeholders on CPVO activities in the framework of the EU

Types of analyses	Indicators (quantitative) and descriptors (qualitative)	Sources of information
Analysis of processes	- Existence of procedures	Vademecum
	- Clearness of the procedure and its objectives	Work plan
		Interviews with CPVO officials
		Interviews with breeders' association
		Interviews with Examination Offices
		Interviews with DG SANCO

Analyses of the process transparency	<ul style="list-style-type: none"> <li>- Existence of a clear description of processes dedicated to enforcement activities</li> <li>- Communication (see evaluation questions 6-A and 6-B)</li> </ul>	Vademecum
		Work plan
		Interviews with CPVO officials
		Interviews with breeders' associations
		Interviews with Examination Offices
Analysis of task allocations within the CPVO	<ul style="list-style-type: none"> <li>- Formalization of responsibilities for each task of procedures</li> </ul>	Interviews with DG SANCO
		Strategic plan
		Vademecum
		Work plan
Analysis of the CPVO context	<ul style="list-style-type: none"> <li>- Formalization of the CPVO context analysis</li> <li>- Updates of the CPVO context analysis</li> <li>- Relationships between the CPVO context analysis and the definition of CPVO procedures (stakes and correlative resolutions in the procedures)</li> </ul>	Interviews with CPVO officials
		Strategic plan
		Vademecum
		Work plan
Analysis of CPVO staff	<ul style="list-style-type: none"> <li>- Existence of a clear organisation chart</li> <li>- Satisfaction of CPVO staff regarding the organisation</li> <li>- Adequacy between staff organisation and CPVO tasks to be performed (work burden and competencies required)</li> <li>- Knowledge of CPVO staff regarding CPVO activity (different units, different sectors of intervention...)</li> <li>- Existence of a communication process within the CPVO staff</li> <li>- Staff expenses</li> </ul>	Interviews with CPVO officials
		Vademecum
		Work plan
		CPVO organisation chart
		CPVO annual reports
		CPVO database
Analyses of the correlation inputs/outputs	<ul style="list-style-type: none"> <li>- Number of seminars, conferences, workshops...</li> <li>- Number of publications</li> <li>- Number of EU/non EU visitors on the CPVO website</li> <li>- Number of international delegations received</li> </ul>	

#### Methodological limits

- No limit foreseen

## Communication

### Evaluation question

6-A: Is the CPVO internal communication satisfactory?

### Understanding of the question

For its core activities as well as for its secondary activities, the CPVO has to communicate with relevant target groups. The CPVO has developed several tools to do so. The analysis is **focused on these communication tools**, more than the communication effects. This evaluation question deals with “internal” communication, defined as the communication within the CPVO.

### Judgment criteria

- 1- Existence of a communication strategy/ procedure
- 2- Existence of communication policies related to communication tools
- 3- Quality of communication tools

Types of analyses	Indicators (quantitative) and descriptors (qualitative)	Sources of information
Analysis of communication strategy and process	- Existence of a strategy	Strategic plan
	- Existence of a communication procedure within the CPVO staff	CPVO communication policy
	- Perception of CPVO officials/ staff	Vademecum Work plan Interviews with CPVO officials
Analysis of existing communication	- Number of meetings organised	Satisfaction study 2005
	- Existence of communication tools (inventory)	Work plan
	- Diversity of communication tools	CPVO annual reports
	- State-of-the-art tools	Interviews with CPVO officials
	- Changes since 2001 (last evaluation report)	
	- Perception of stakeholders	

### Methodological limits

- No limit foreseen

### Evaluation question

6-B: Is the CPVO external communication satisfactory?

### Understanding of the question

For its core activities as well as for its secondary activities, the CPVO has to communicate with relevant target groups. The CPVO has developed several tools to do so. The analysis is **focused on these communication tools**, more than the communication effects. This evaluation question deals with

“external” communication, defined as communication with CPVO stakeholders, other than CPVO officials.

#### Judgment criteria

- 1- Existence of a communication strategy/ procedure
- 2- Existence and variety of communication tools
- 3- Existence of communication policies related to communication tools
- 4- Quality of communication tools

Types of analyses	Indicators (quantitative) and descriptors (qualitative)	Sources of information
Analysis of existing communication tools	<ul style="list-style-type: none"> <li>- Existence of communication tools (inventory)</li> <li>- Diversity of communication tools</li> <li>- State-of-the-art tools</li> <li>- Changes since 2001 (last evaluation report)</li> <li>- Perception of stakeholders</li> </ul>	<p>Satisfaction study 2005</p> <p>Work plan</p> <p>CPVO annual reports</p> <p>Interviews with CPVO officials</p> <p>Questionnaire and interviews with applicants</p> <p>Interviews with breeders' associations</p> <p>Interviews with Examination Offices</p>
Analysis of communication strategy	<ul style="list-style-type: none"> <li>- Existence of a strategy</li> <li>- Perception of CPVO officials</li> </ul>	<p>Strategic plan</p> <p>CPVO communication policy</p> <p>Vademecum</p> <p>Work plan</p> <p>Interviews with CPVO officials</p> <p>Questionnaire and interviews with applicants</p> <p>Interviews with breeders' associations</p> <p>Interviews with Examination Offices</p> <p>Interviews with DG SANCO</p>

#### Methodological limits

- No limit foreseen



## Relations with stakeholders and contribution to international cooperation

### Evaluation question

7-A: Are the relationships between the CPVO and the breeders' organisations well organised and satisfactory?

### Understanding of the question

The most obvious stakeholders are the "clients" of the CPVO, breeders, in their role as applicants and holders of rights. CIOPORA and ESA organise breeders of varieties reproduced by seed at Community level. These organisations have regular contact with the CPVO on general policy issues. They are invited to participate in technical discussions organised by the CPVO. The CPVO also has contact, where it is considered opportune, with organisations unifying specific groups of breeders or representing breeders on a national level.<sup>101</sup>

This evaluation question is focused on the relationship established between the CPVO and breeders' associations. It deals of course with communication (direct correlation with evaluation question 6-B) but, more globally, it deals with all CPVO inputs dedicated to this relationship, notably for:

- Providing information,
- Raising awareness on strategic issues,
- Promoting CPVO,
- Representing breeders' associations at an international level.

### Judgment criteria

- 1- Stakeholders are satisfied
- 2- Information is accessible
- 3- Contact between the CPVO and stakeholders is possible
- 4- The CPVO represents stakeholders' interests at an international level
- 5- See communication judgement criteria (evaluation question 6-B)

Types of analyses	Indicators (quantitative) and descriptors (qualitative)	Sources of information
Analysis of the stakeholders' perception	- Perception of stakeholders	Interviews with CPVO officials Interviews with breeders' associations

<sup>101</sup> Source : CPVO strategic plan V9

Analysis of information dedicated to breeders' associations	<ul style="list-style-type: none"> <li>- Existence of specific channels of communication towards breeders' associations</li> <li>- Existence of specific communication policy towards breeders' associations</li> </ul>	Strategic plan Communication policy Interviews with CPVO officials Interviews with breeders' associations
Analysis of means of contact between breeders' associations and the CPVO	<ul style="list-style-type: none"> <li>- Existence and diversity of means of contact</li> <li>- Level of contact per year</li> <li>- Number of meetings organised</li> <li>- Level of participation from breeders' associations</li> <li>- Number of contributions from breeders' associations</li> <li>- Number of phone calls</li> <li>- Number of mails</li> </ul>	Strategic plan Communication policy CPVO statistics Interviews with CPVO officials Interviews with breeders' associations
Analysis of CPVO representation at an international level	<ul style="list-style-type: none"> <li>- Number of international meetings</li> <li>- Perception of breeders' associations</li> <li>- Perception of CPVO officials</li> </ul>	International meetings minutes CPVO annual reports Interviews with CPVO officials Interviews with breeders' associations
Methodological limits		
<ul style="list-style-type: none"> <li>- Data availability</li> </ul>		

#### Evaluation question

7-B: Are the relationships between the CPVO and the Examination Offices well organised and satisfactory?

#### Understanding of the question

Some people and organisations work for the CPVO indirectly. This is notably the case for entrusted Examination Offices, of which the CPVO is, for some, a major client.<sup>102</sup>

This evaluation question is focused on the relationship established between the CPVO and Examination Offices. It deals of course with communication (direct correlation with evaluation question 6-B) but, more globally, it deals with all CPVO inputs dedicated to this relationship, notably for:

- Ensuring a high quality of examination throughout the European Union,
- Providing information,
- Raising awareness on strategic issues,

<sup>102</sup> Source : CPVO strategic plan V9

- Promoting CPVO.

The implementation of the Quality Audit System (QAS) should substantially change the relationship between the CPVO and the Examination Offices.

Moreover, the CPVO tries to have a more efficient working relationship with its Examination Offices evidenced by the creation, in 2002, of a network of technical contacts in the Member States: “technical liaison officers” (TLOs).

#### Judgment criteria

- 1- QAS implementation is known and well accepted
- 2- TLOs are known and well accepted
- 3- Stakeholders are satisfied
- 4- Information is accessible
- 5- Contact between the CPVO and stakeholders is possible
- 6- See communication judgement criteria (evaluation question 6-B)

Types of analyses	Indicators (quantitative) and descriptors (qualitative)	Sources of information
Analysis of the stakeholders' perception	- Perception of stakeholders	Interviews with CPVO officials Interviews with Examination Offices
Analysis of information dedicated to Examination Offices	- Existence of specific channels of communication towards Examination Offices - Existence of specific communication policy towards Examination Offices	Strategic plan Communication policy Interviews with CPVO officials Interviews with Examination Offices
Analysis of means of contact between Examination Offices and the CPVO	- Existence and diversity of means of contact - Level of contact per year - Number of meetings organised - Number of participants from Examination Offices - Number of contributions from Examination Offices - Number of phone calls - Number of mails	Strategic plan Communication policy CPVO statistics Interviews with CPVO officials Interviews with Examination Offices
Analysis of QAS	- Perception of Examination Offices - Number of communications means dedicated to QAS - Clarity of communication means	CPVO website review CPVO annual reports Interviews with CPVO officials Interviews with Examination Offices

#### Methodological limits

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– Data availability

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The following table formalises the link between each evaluation question and the operational objectives, described in the CPVO strategic plan.

Operational objectives	Evaluation question
Design and implement a comprehensive quality system for Examination Offices	2-A and 2-B
Introduce e-filing, e-communication facilities with applicants as well as electronic ordering and invoicing	1, 6-B
Introduce a comprehensive electronic document management system enabling additional services for clients like e-access to the registers or variety descriptions	1, 3, 6-A, 6-B
Introduce electronic exchange of information with Examination Offices.	2-A, 2-B, 6-B
Host UPOV working group meetings	5, 6-B
Organise expert meetings on Community level	5, 6-B
Coordinate and stimulate European input in technical UPOV meetings	5, 6-B
Inform EU member states and non European members of UPOV about software developed by the CPVO for the processing of applications and the testing of denominations	5, 6-B
Coordinate denominations testing on Community level.	3
Receive delegations of non EU states	5, 6-B
Facilitate the takeover of CPVO test reports by concluding memoranda of understanding or lighter forms of agreements with non EU Member States.	2-A, 2-B
Participate in and contribute to relevant international seminars and forums.	5, 6-B
Raise awareness in interested circles of implications of plant variety protection in general and the Community system in particular through the organisation of seminars and by means of other communication tools, such as articles and interviews in specialised publications, accessible information on the CPVO website.	5, 6-B
Organise open days to explain the system to breeders, plant producers and farmers.	5, 6-B
Ensuring that managers effectively manage people, maintain continuity of leadership, sustain a learning environment, and provide a means to share critical knowledge	1 to 5, 6-A
Following the internal communication strategy and work programme	1 to 5, 6-A
Regularly monitor organisational health	1 to 5, 6-A
Ensure operational excellence in agency-wide management processes	1 to 5, 6-A
Establishing an agency-wide approach for financial management	1 to 5, 6-A

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Establishing methods for more accurate and timely predictions of application filings, workloads, and revenues	1 to 5, 6-A
Providing an automated operating environment for conducting financial management business with the CPVO	1 to 5, 6-A
Improve human resource processes and services	1 to 5, 6-A
Improve the quality, cost-effectiveness, and timeliness of IT solutions	1 to 5, 6-A
Expanding searchable information, Providing streamlined access to information, Increasing system capabilities for access to information	1 to 4, 6-B
Implementing secure PVR office information exchange	1 to 4, 6-A

## 7.4. CPVO functioning, intervention logic and activities

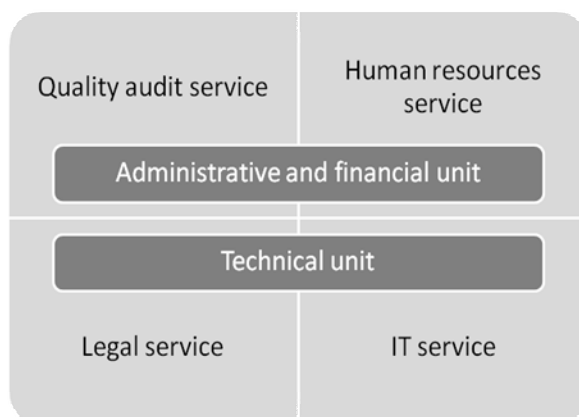
*The chapter presents an overview of the current organisation and a representation of the CPVO intervention logic. The intervention is based on the analysis of the objectives set forth by the CPVO.*

### 7.4.1. Overview of the CPVO functioning

#### CPVO organisation

The organisation of the CPVO is based on two units, three transversal services and one independent service responsible for the quality auditing of examinations.

**Figure 17: CPVO units and services**



The allocation of tasks between units and services is defined in CPVO working documents:

Unit or service	Tasks allocated
<b>Administrative and Financial Unit</b>	<p>Two areas, administrative and financial:</p> <ul style="list-style-type: none"> <li>• public procurement;</li> <li>• organisation of Office's publications;</li> <li>• administration, management and monitoring of Office's inventory of movable property and buildings;</li> <li>• administration of logistical and operational resources with a view to ensuring the smooth functioning of the Office;</li> <li>• management of financial transactions, treasury management, maintenance of budgetary and general accounts and preparation of budgets and financial documents;</li> <li>• management of fees system.</li> </ul>
<b>Technical Unit</b>	<ul style="list-style-type: none"> <li>• general coordination of the various technical sectors of the Community plant variety rights system;</li> <li>• reception and checking of applications for protection;</li> </ul>

Unit or service	Tasks allocated
	<ul style="list-style-type: none"> <li>• organisation of technical examinations and technical reports;</li> <li>• organisation of variety denomination examinations; preparation for granting of rights;</li> <li>• maintenance of the Office's registers, production of official technical publications;</li> <li>• relations with applicants, national offices, stakeholders and international organisations;</li> <li>• participation in international committees of technical experts;</li> <li>• cooperation in the development of technical analyses and studies intended to improve the system.</li> </ul>
<b>QAS</b>	<ul style="list-style-type: none"> <li>• verification that technical Examination Offices meet the quality standards required for providing services to the CPVO in the area of testing compliance of candidate varieties with the distinctness, uniformity and stability (DUS) criteria in addition to novelty</li> </ul>
<b>HR service</b>	<ul style="list-style-type: none"> <li>• administration and management of the Office's human resources in compliance with the staff regulations of the European Commission</li> </ul>
<b>Legal Service</b>	<ul style="list-style-type: none"> <li>• legal advice to the President and other members of the Office staff;</li> <li>• legal interpretations;</li> <li>• draft legislation;</li> <li>• participation in various CPVO committees;</li> <li>• ensuring that Community procedures and legislation are respected;</li> <li>• management of the administration of objections to applications for CPVRs.</li> </ul>
<b>IT service</b>	<ul style="list-style-type: none"> <li>• analysis of the Office's hardware and software requirements;</li> <li>• design, development and installation of new programs specific to the Office;</li> <li>• development and maintenance of the websites of the Office;</li> <li>• installation of standard programs;</li> <li>• maintenance of the computer installation and its administration;</li> <li>• security of the computer system;</li> <li>• helpdesk and interinstitutional cooperation in computing.</li> </ul>

Source: CPVO annual report 2008

At the end of 2009, the CPVO staff was composed of 46 members<sup>103</sup>, 12 officials and 34 temporary agents.

The organisation chart within the CPVO has four main features to point out:

- The Administrative council responsibilities include:
  - Budgetary authority,
  - Monitoring the CPVO activities,
  - Monitoring the management of the President,
  - Entrusting of Examination Offices,
  - Validating the Technical Protocols,
  - Granting of compulsory licences,
  - Adopting general guidelines on matters for which the Office is responsible,
  - Advising the CPVO management,
  - Submitting to the European Commission proposals for amendment of Community legislation on Plant Variety Rights,
  - Issuing rules on working methods of the Office.

*Legal basis: Council Regulation (EC 2100/94)*

- The President manages the CPVO. The Vice President supervises the HR service and the IT service.
- The Quality Audit Team Leader reports directly to the Administrative council (even if the administrative authority is the President).
- The accountant reports directly to the Administrative council (even if the administrative authority is the President).

The Administrative Council of the CPVO has decided to create **5 committees**, with distinct scope of decisions:

- Decisions on a petition for a declaration of nullity in relation to a CPVR or for the cancellation thereof; and the award of costs arising from proceedings relating to such a petition
- Decisions on an application for a compulsory exploitation right or a non-exclusive exploitation right.
- Decisions on an application for a CPVR and the validity of an objection to the grant of a right
- Decisions on a proposal for a variety denomination and on any subsequent amendment of a variety denomination.
- Decisions on the non-suspensory effect of an Appeal and on restituto in integrum and the award of costs arising from Appeal proceedings

Appeal procedures are implemented within the CPVO. The **Board of Appeal** is composed of a chairman and an alternate, appointed for a term of five years. 52 qualified members are also appointed for a term of 5 years by the administrative council of the CPVO.

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<sup>103</sup> In addition, the composition of the Administration Council consists of a representative of each EU member State and a representative from the European Commission.



Further appeal can be undertaken to the Court of Justice of the European Communities (in 2008 for instance, four appeals were lodged against decisions of the Board of Appeal).

## CPVO processes regarding core activities

CPVO core activities are consistent with the application process allowing for the decision regarding the Community Plant Variety Protection application to be broken down into 5 main steps:

- Filing the application,
- Checking the application,
- Carrying out a technical examination,
- Checking for variety denomination,
- Grant of title.

Therefore, the CPVO is constantly in contact with the breeders who are its “clients”. The CPVO also has intensive contact with two breeders’ associations representing the users of the system: the CIOPORA (*Communauté Internationale des Obtenteurs de Plantes Ornementales et Fruitières à Reproduction Asexuée*) and the ESA (European Seed Association), which federates breeders of agricultural and vegetable varieties. The CPVO has close relationships with both associations through meetings of technical experts organised by the CPVO, and involvement in research and development programmes.

The technical work of carrying out examinations of candidate plant varieties is entrusted to Examination Offices located in different EU Member States. These offices carry out tests and provide the CPVO with final reports. These offices differ from each other with regards to their size, organisation and statute (public/private). Dialog is permanent between these offices and the CPVO.

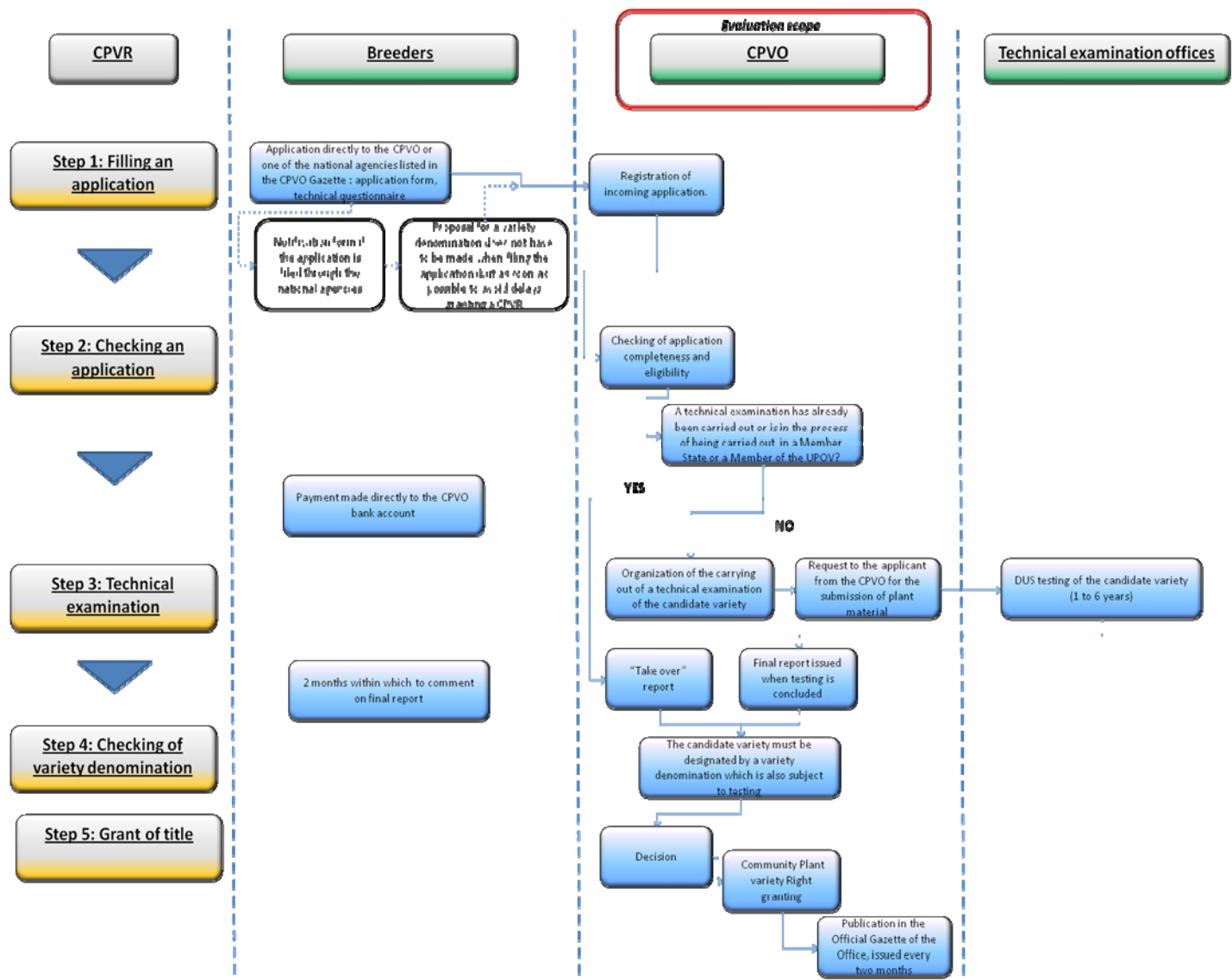


Figure 18: Macro process, CPVO core activities

## CPVO stakeholders

Regarding the CPVO strategic plan (version 8), “obvious” stakeholders are the clients (breeders) in their role as applicants and holders of rights.

More generally, five groups of stakeholders can be distinguished:

- **Group 1 “breeders” or “clients”**: breeders are organised at Community level in **CIOPORA and ESA**. These organisations have regular contact with the CPVO on general policy issues. They are invited to participate in technical discussions organised by the CPVO. The CPVO also has contact with **organisations unifying specific groups** of breeders or representing breeders at a national level.
- **Groups 2 “CPVO staff”**: persons and organisations working for the CPVO either directly or indirectly. This group includes the **staff of the Office** and the entrusted **Examination Offices** of which the CPVO is, for some, a major client.
- **Group 3 “board”**: the **Administrative Council** but also the **EU institutions** responsible for the creation of the Community PVP system.
- **Group 4 “indirect stakeholders”**: they are closely linked to the PVP system. Farmers, plant producers, and the general public can be mentioned in this category.
- **Group 5 “international stakeholders”**: mainly the UPOV but also all representatives of non EU countries (or group of countries) interested by the PVP system.

## Probable changes or developments for the CPVO

The CPVO could be faced, in the short term or mid term, with several changes or developments with potential impacts on its organisation. The evaluation has to take these changes, which are quite different in their nature, into consideration:

- Changes within the CPV system
- Changes in the CPVO organisation

### Changes within the CPV system

The European Commission is examining the relevance and possibility of transferring the management of the common catalogue of varieties of agricultural plant species to the CPVO (“Better regulation” study). Looking for additional capacity in the CPVO inputs allocation is therefore a crucial issue.

### Changes in the CPVO organisation

The possibility of merging different agencies, notably the CPVO, is sometimes mentioned, notably in evaluation reports.

## CPVO IT tools

IT investments will modify CPVO inputs allocation. A pending question is notably to understand if human resource allocation, as it was defined several years ago, is still relevant. For instance, do IT developments free staff members from some of their responsibilities or tasks?

The CPVO main IT tools are:

- EPM, a software package dedicated to accountability,
- PIA2, a software package dedicated to management, and linked to EPM,
- PVR, interlinked with EXACT, is dedicated to:
  - Invoicing fees,
  - Monitoring payments,
  - Monitoring costs incurred on technical expenditure,
- SI2, a software package dedicated to budgets, payments and revenues.
- EXACT is the general accounting system

- DOCMAN, an IT tool dedicated to document management.

The CPVO IT system has already been modified, and it is an ongoing process:

- DOCMAN has been used since September 2008 in the Administrative and Financial Unit, since December 2008 in the Technical Unit and recently in all remaining services. Full implementation is still in progress,
- A project on an electronic signature is in progress,
- A project on electronic archiving is in progress.

## CPVO communication

### The CPVO internal documentation on communication

Two documents describe the CPVO internal policy in terms of communication:

- CPVO internal communication policy
- Internal communication guidelines

Communication tools are listed:

- The Intranet,
- E-mail tool, Outlook,
- DOCMAN/EVERSUITE,
- Internal paper mail,
- Telephone,
- Meetings,
- Databases through comments' fields,
- Internal procedures/guidelines,
- Internal notes,
- Career development report/appraisal exercise,
- Social events.

### The CPVO and the European Commission

The CPVO has interactions with:

1. The DG SANCO,
2. The DG ADMIN,
3. The DG BUDGET,
4. The DPO (data protection office).

The main interlocutor is the DG SANCO.

### The CPVO website

The CPVO website offers several services:

- Information about the CPVO,
- Latest news,
- Online forms and notes for applicants, even if the application process itself is not online,
- Information on technical examinations, notably technical protocols,
- Information on payments,
- Information on Community Plant Variety Rights,
- A set of documents and a contact point for document requests,
- Databases and statistics,
- A restricted area.

**Figure 19: CPVO website screenshot**

The website is available in English, French, German and Dutch.

## 7.4.2. Intervention logic

The reconstruction of the intervention logic offers the opportunity to analyse the current strategy of the CPVO, and to identify its objectives and the main characteristics of its implementation.

Assessing the effectiveness of the CPVO organisation requires a precise understanding of its objectives: operational objectives (expected outputs), specific objectives and general objectives (expected results and impacts)<sup>104</sup>. Furthermore, the potential priorities that support those objectives and the main tools that are dedicated to the achievement of the objectives must be taken into account. The objective tree on the following page specifically describes the three levels of objectives.

The objectives were clearly formalised in the CPVO strategic plan. Some of them are prospective and some actions are in progress.

The following objective tree has two main purposes:

- ▶ To set forth a consolidated strategy and to validate this strategy,
- ▶ To clearly validate operational and specific objectives, which are essential to carrying out the effectiveness evaluation. On this basis, evaluators will be able to assess if the objectives have been achieved. Consequently, they will develop data collection tools taking this purpose into consideration.

The different levels of objectives can be represented on a general schema:

<sup>104</sup> This terminology is used in the European Commission methodology described on EVALSED, [http://ec.europa.eu/regional\\_policy/sources/docgener/evaluation/evalsed/index\\_en.htm](http://ec.europa.eu/regional_policy/sources/docgener/evaluation/evalsed/index_en.htm)

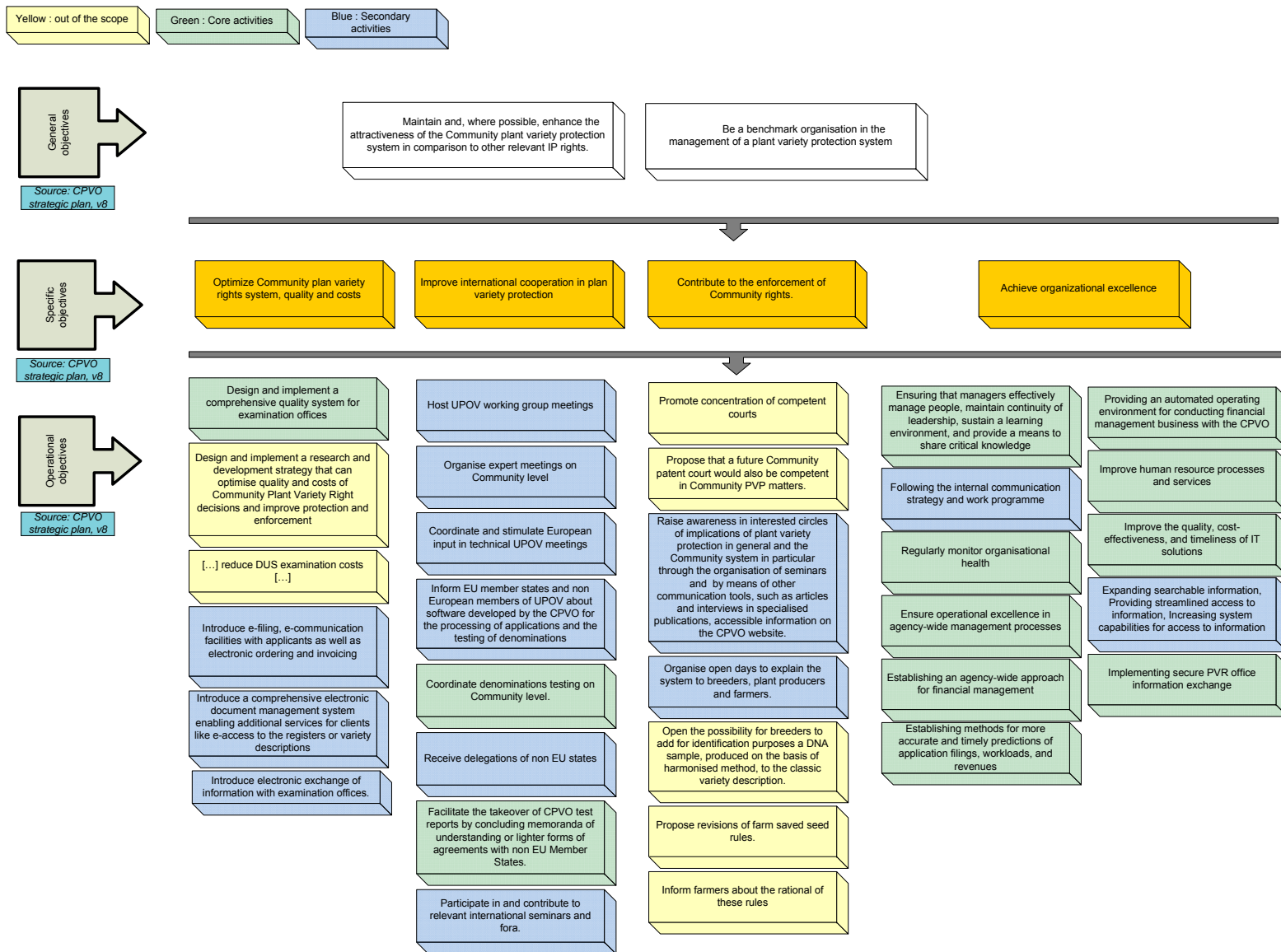


Figure 20: Objectives tree of the CPVO

## 7.5. CPVO activities

### CPVO activities

The CPVO implements the system for the protection of plant variety rights, established by Community legislation. The system allows intellectual property rights, valid throughout the Community, to be granted for plant varieties. The implementation of the system through application processing could be defined as the **core activities** of the CPVO.

In addition to its core activities, the CPVO performs several **secondary activities** including:

- supporting the exercise of plant variety rights,
- contributing to the enforcement of the PVR (meetings, publications...),
- ensuring smooth relationships between stakeholders (information, communication...). Indeed, the CPVO is a key link between breeders, Breeders' organisations and Technical Examination Offices.

### Overview of the CPV system

A Community Plant Variety Right ("CPVR") is an intellectual property right, like a patent, but designed for plant varieties from which material is produced and commercialized.

Since 27 April 1995, plant breeders have been able to ask for protection throughout the European Union through a single application to the CPVO; protection may be granted by a single decision of the Office.

The CPVO is responsible for the management of the Community Plant Variety Rights System. The system is based on the 1991 act of the UPOV Convention.

In managing the system, the CPVO fulfils the mandate of Council Regulation (EC) N°2100/94 of 27 July 1994<sup>105</sup>. This is the legal basis for the Community plant variety system. The rules implemented are defined in the Commission regulation (EC) No 874/2009 of 17 September 2009.

Concerning variety denominations, guidelines of the Administrative Council on a variety of denominations were adopted on the 21<sup>st</sup> of March 2007 (with an explanatory note).

Concerning fees, a specific regulation provides the CPVO with a precise framework: Commission Regulation (EC) No 1238/95 of 31 May 1995.

Exemptions to CPVR provided for in Article 14 of the basis regulation are specified in the Commission Regulation (EC) No 1768/95 of 24 July 1995.

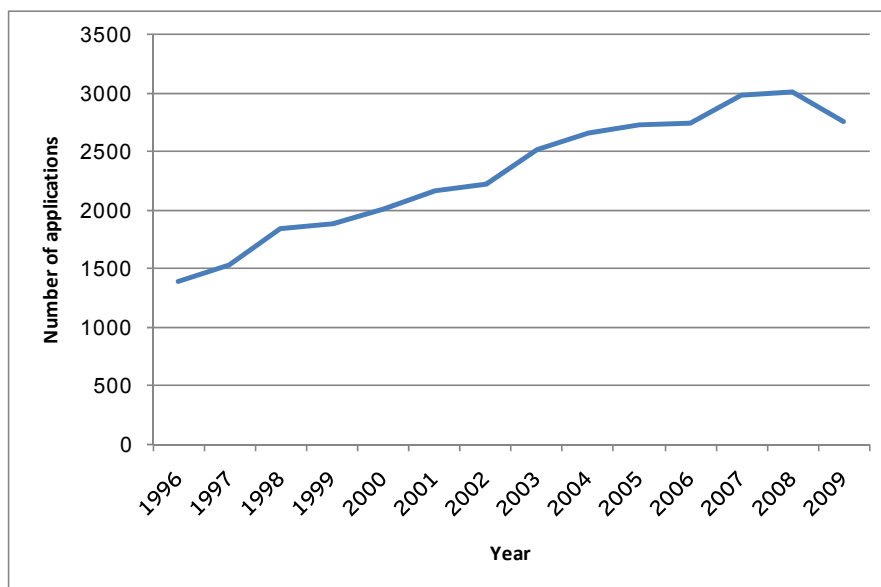
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<sup>105</sup> Several amendments. Last one: Council Regulation (EC) n°15/2008

## Output indicators

Since the creation of the CPVO agency, the number of applications has steadily grown (average of +5% per year between 2001 and 2008, -9% in 2009 with the previous year)<sup>106</sup>. The number of applications between 1996 and 2008 has more than doubled (+117%)<sup>107</sup>.

**Figure 21: Number of applications**



Source: CPVO statistics

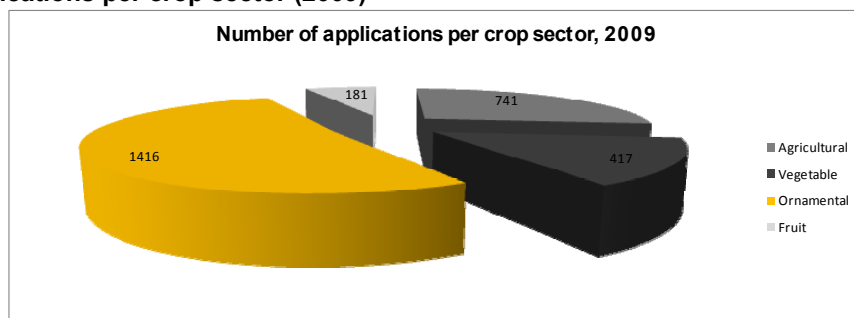
The CPVO has faced a drop in the number of applications in 2009. Other intellectual property systems, such as the Community Trade Mark system, are experiencing similar setbacks. But even taking into account the decrease in applications, the Community system is the biggest of its kind in the world.

Throughout the years ornamentals have remained the CPVO primary crop sector, in terms of the number of applications processed (average of 43% of applications during the past 10 years). High volumes of applications are also related to agricultural species (average of 23% of applications during the past 10 years). Vegetables and fruits, in terms of the number of applications, are less important (average of 12% for both of them during the past 10 years).

<sup>106</sup> 2009 is the first year of decrease in the number of applications since the creation of the CPVO. The economical cyclical effect has to be taken into consideration in the analyses.

<sup>107</sup> The year 1995 is excluded from the analysis because it was the first year of the CPVO functioning, hedging the analysis.



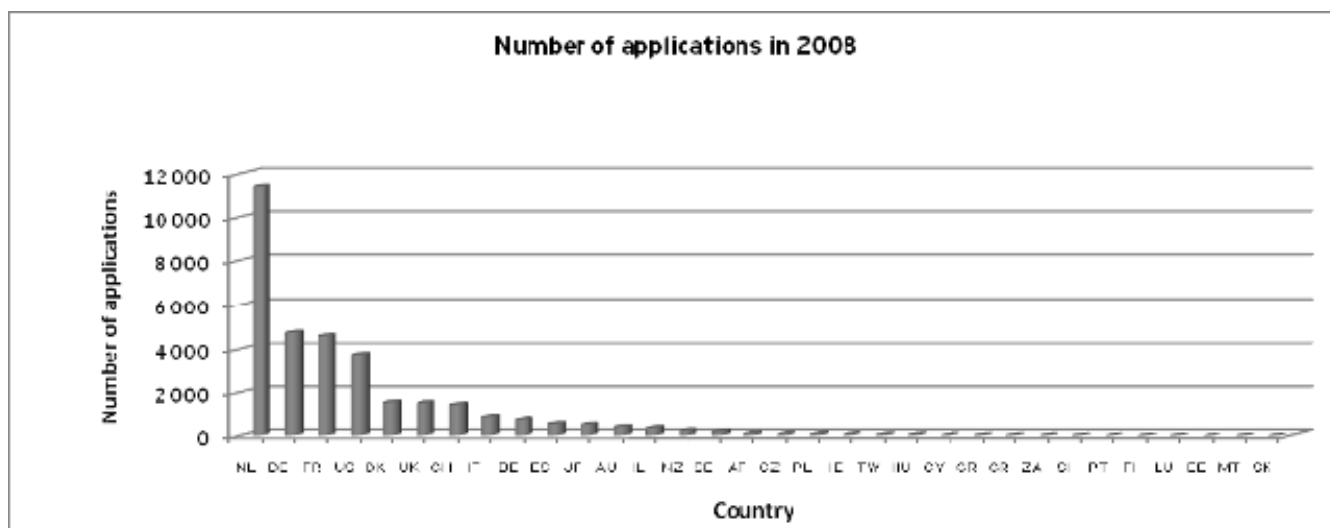
**Figure 22: Number of applications per crop sector (2009)**

Source: CPVO

Crop Sector	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Agricultural	957	365	343	405	407	406	442	417	495	536	499	610	732	790	741
Vegetable	458	125	157	224	184	246	184	175	238	267	296	342	295	411	417
Ornamental	1513	835	953	1102	1195	1267	1415	1506	1643	1706	1800	1616	1788	1632	1416
Fruit	233	61	77	104	95	94	117	124	141	146	139	168	162	181	181
Total	3161	1386	1530	1835	1881	2013	2158	2222	2517	2655	2734	2736	2977	3014	2755

80% of applications come from the European Union, mainly from The Netherlands (43% of EU applications), Germany (18% of EU applications) and France (18% of EU applications). 20% of applications come from non EU countries, mainly the United States (56% of non EU applications) and China (22% of the non EU applications).

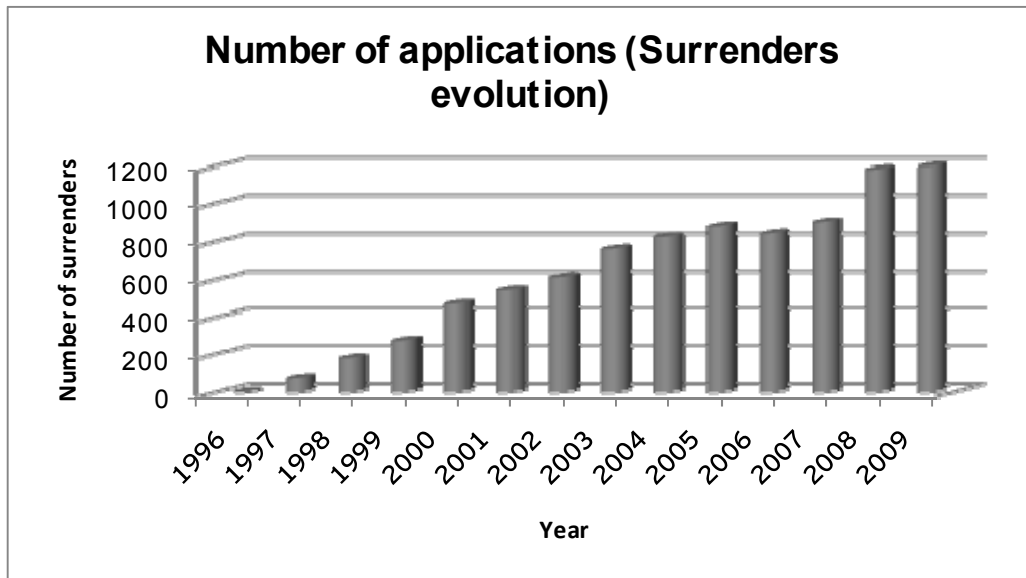
Globally, the four principal countries (3 EU countries and the US) encompass 79% of the total number of applications. Applications are therefore concentrated in a few countries.

**Figure 23 : Number of applications per country**

Source: CPVO statistics

Since the creation of the CPVO agency, the number of surrenders has steadily grown (average of +27% per year between 1997 and 2009).

**Figure 24 : Number of applications (Surrenders evolution)**



## 7.6. Documentary review: list of analysed documents

### **Legal basis**

- Council Regulation (EC) N°2100/94 of 27 July 1994
- Regulation (EC) No 1238/95 31 May 1995
- Regulation (EC) No 1177/2005 20 July 2005
- Financial regulation of the community plant variety office adopted by the administrative council on 16/09/03
- Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species
- Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed

### **CPVO organisation**

- VadeMecum
- Work plan, version August 2009
- Strategic plan, draft 8
- CPVO annual reports
- CPVO detailed work programme, version August 2009
- Units meeting minutes from the 27<sup>th</sup> of April 2009 to the 28<sup>th</sup> of September 2009

### **CPVO statistics**

- Applications
- Objections
- Management Team statistics from the 5<sup>th</sup> of February 2009 to the 30<sup>th</sup> of October 2009

### **CPVO communication**

- Internal communication guidelines
- Internal communication policy

### **Former evaluations or studies on the CPVO**

- Evaluation of the EU decentralised agencies in 2009
- CPVO Customer Satisfaction Survey, January 2005

### **CPVO internet website**

