



CPVO • OCVV

Community Plant Variety Office
Office Communautaire des Variétés Végétales

ADMINISTRATIVE COUNCIL OF THE CPVO

Virtual meeting, 31 March 2023

Main conclusions

1. Opening of the meeting, general information and approval of the draft agenda

The Chairperson of the Administrative Council (AC Chair), Mr. Marien Valstar, declared the agenda adopted as proposed.

2. Consolidated Annual Activity Report 2022

The members of the Administrative Council took note of the Management report including the declaration of assurance by the Court of Auditors.

The members of the Administrative Council were provided with a presentation of the statistics for 2022.

The members of the Administrative Council were provided with a presentation of the financial report and provisional accounts for 2021.

The members of the Administrative Council took note of the reporting part of the Annual Activity Report for 2022: management report, statistics, social and financial reports and Provisional Annual Accounts 2022.

The members of the Administrative Council unanimously adopted the AC Analysis and Assessment to be signed by the Chairperson of the AC.

The members of the Administrative Council unanimously discharged the President of the Office in respect of the implementation of the budget 2021.

3. AC Opinion on the draft Single Programming Document (DOC-AC-2023-1-02)

The members of the Administrative Council were given an introduction to the draft Single Programming Document and were invited to provide written comments.

The members of the Administrative Council agreed to the proposal of revision of the Single Programming Document (SPD) 2023-2025. The European Commission will follow the internal process to send written comments to the draft SPD 2024-2026, which will be formally adopted during the AC Meeting in autumn 2023.

4. AC opinion on the Preliminary Draft Budget 2024 (DOC-AC-2023-1-03)

The members of the Administrative Council took note of the Preliminary Draft Budget for 2023.

5. Update of the CPVO conflict of interest policy (DOC-AC-2023-1-4)

The European Commission proposed amendments to the CPVO conflict of interest policy with reference to Art. 42 of the CPVO Financial Regulation (added in Section 3.2 of the Conflict of Interest policy); with reference to the policy on whistle-blowing (now added); with a definition of "spouse" encompassing also a partner with whom the individual has a registered non-marital partnership (now added); with reference to direct and indirect interest in the definition of personal interest (now added) and with a rephrasing of Annex 2.b to the policy to reflect the wording used in the Commission (now done). The members of the Administrative Council adopted this update to the CPVO conflict of interest policy.

6. Working Group in order to review the CPVO Policy on plant material submitted for DUS testing (DOC-AC-2023-1-06)

The CPVO (Mr. Dirk Theobald) concluded from the discussion during the last annual meeting with the examination offices in December 2022 that there was a need for further clarification on certain elements of the CPVO policy on plant material submitted for DUS testing. This concerns in particular aspects regarding the handling of DNA samples and the extraction of DNA from submitted plant material. A Working Group for

this purpose is to be set up with 2 members designated by the AC, 4 EO members, 1 European Commission representative, 1 CIOPORA, EUROSEEDS and Plantum person respectively, as well CPVO staff members participating. The principal tasks of this Working Group would be to propose an amendment of the policy regarding DNA samples and DNA profiles of candidate and/or reference varieties. The AC Chair concluded that the AC agreed to set up a Working Group in order to review the CPVO Policy on plant material submitted for DUS testing and to endorse the proposed Terms of Reference.

7. Entrustment of Examination Offices (DOC-AC-2023-1-06)

The members of the Administrative Council adopted the 3 recommendations put forward by the Audit Team Leader for Ireland (Department of Agriculture, Food and the Marine), France (GEVES) and Italy (CREA-VE). Ireland abstained on the first vote; France abstained on the second vote; Italy abstained on the third vote.

8. External activities of the President (DOC-AC-2023-1-07)

The members of the Administrative Council took a decision on one outside activity of the President, authorising him to take up an unpaid role as a member of the Alumni Association of the Master in IP at the University of Alicante.

9. AC Decisions on the adoption of CPVO Technical Protocols (DOC-AC-2023-1-08)

The members of the Administrative Council unanimously adopted the three revisions of existing technical protocols presented for *Prunus armeniaca* L. (CPVO-TP/070/3), *Citrillus lanatus* (Thunb.) Matsum. et Nakai (CPVO-TP/142/2-Rev.2) and *Cichorium intybus* L. var. *foliosum* Hegi (CPVO-TP/154/2-Rev).

They also took note of the editorial changes to the following CPVO Technical Protocol: *Eruca vesicaria* (L.) Cav. subsp. *sativa* (Mill.) Thell. (syn. *E. sativa* Mill.) (CPVO-TP/245/1-Rev2-Corr).

10. Breeders' participation systems for Maize IT and FR (DOC-AC-2023-1-9)

The members of the Administrative Council agreed that further assessment is necessary before a decision can be taken on the take-over of DUS reports resulting from breeders' participation systems for Maize in Italy.

11. Notification by the Swedish Examination Office (DOC-AC-2023-1-10)

The members of the Administrative Council agreed with the request to terminate the entrustment regarding sugar beet varieties with immediate effect at the Swedish Examination Office.

12. CONFIDENTIAL : CPVO Building project (DOC-AC-2023-1-11)

A confidential Agenda Point was discussed.

13. Appointment of Members of the Audit Advisory Board (AAB) (DOC-AC-2023-1-12)

The members of the Administrative Council adopted the annexed list of five people for the Audit Advisory Board (AAB).

14. Updated QAS procedure manual and associated documents (DOC-AC-2023-1-13)

The members of the Administrative Council adopted the updated QAS procedure manual and associated documents..

15. Amendment of AC guidelines on the procedure to replace the CPVO President in case of absence or indisposed (DOC-AC-2023-1-14)

The members of the Administrative Council adopted the amendment of the Administrative Council guidelines on the procedure to replace the CPVO President in case of absence or indisposed.

16. Report on QAS Activities (DOC-AC-2023-1-15)

The members of the Administrative Council took note of the presentation on QAS Activities by the CPVO and of the summary report for the 2019-2022 cycle.

17. EU Plant Variety Portal (DOC-AC-2023-1-16)

The members of the Administrative Council took note of the update on the EU Plant Variety Portal by the CPVO. The revised timeline has accumulated some delay, but the timing objectives set out during the last AC meeting do remain in place. Hopefully by the end of 2023 the EU Plant Variety Portal will be operational for all Agricultural, Vegetable and Fruit species.



18. Cooperation in technical examinations with third countries (DOC-AC-2023-1-17)

The members of the Administrative Council adopted the two different cooperation agreements in technical examinations with third countries. There is consent that a written agreement is concluded with the PBR Office in Australia for the species *Musa acuminata* Colla and with the examination office of the Japanese Ministry of Agriculture, Forest and Fisheries (MAFF) for the species *Camellia sinensis* (L.) Kuntze.

19. Presentations by DG SANTE

The members of the Administrative Council took note of the revision of the fees regulation and of the updates on the PRM and NGT legislative proposal.

20. Update on the Seat agreement

The members of the Administrative Council took note of the update on the Seat agreement. The CPVO President aims to propose a final agreement to the AC Meeting in October 2023.

21. Internal Audit Report 2022 (DOC-AC-2023-1-20)

The members of the Administrative Council were briefed on the Internal Audit Report 2022, during which one audit was conducted on the software license management.

22. Internal Audit Plan 2023 (DOC-AC-2023-1-20)

The members of the Administrative Council adopted the audit plan 2023 including two audits: one on the BoA process and legal expenses and one on General Services contracts management. One follow-up activity will also take place on the Internal Control Framework Implementation as a follow-up of the 2021 audit.

23 Any Other Business

23.1. AOB 1 : Rules for co-financing in Research and Development projects

The members of the Administrative Council took note of the comments by the Netherlands regarding the Rules for co-financing in Research and Development projects. This topic will be taken up bilaterally with the EOs who have expressed their concern and will be revisited during the next AC Meeting.

23.2. AOB 2 : Letter from France on denominations

The members of the Administrative Council were briefed on the letter sent by France regarding denominations following a recent inclusion of four varieties of lettuce in their national variety database. The AC agreed that the issue shall be discussed at CPVO Working Group level.

23.3. AOB 3 : Retirement of Gerhard Schuon, Head of PVEU

The members of the Administrative Council and the AC Chair thanked Mr. Gerhard Schuon for his work and his dedication in his work for the CPVO.

24. AC meeting Autumn 2023

The next in-person AC Meeting will be held on 5-6 October 2023. Following the invitation of Spain, the Chair and the members of the AC agreed to celebrate the next AC Meeting in Madrid. Mr. Paul Van der Kooij en Mr Peter Button will both be invited to this meeting to thank them. A separate online AC Meeting for the interview of the candidates for the appointment of the Vice-President and of the Chair of the Board of Appeal will be held on 25 April 2023.

