

## **ADMINISTRATIVE COUNCIL OF THE CPVO**

**Angers, 19 September 2019**

### **Main conclusions**

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

The Chairperson of the AC, Mrs Bistra Pavlovska, declared the agenda adopted with two additions from Euroseeds and CIOPORA under Any Other Business.

#### **2. Single Programming Document 2020-2022**

The AC members took note that the Single Programming Document – SPD - would be adopted by written procedure at a later stage once the CPVO would have received the formal comments from the Commission services.

#### **3. Statistics**

The AC members took note of the key figures updated as of 9 September 2019.

#### **4. Financial situation of the CPVO - update**

The AC members took note that a positive outturn was expected for 2019, and for 2020 with a lower figure, with no impact on the free reserve at the end. They welcomed that the upfront payment of examination fees to Examination Offices would become available to all Examination Offices as of 1<sup>st</sup> January 2020. In 2019, only the Netherlands have moved to upfront payments.

#### **5. CPVO Financial Regulation**

The AC members took note that the CPVO would reflect all the comments received, and all the derogations agreed, in a final version of the CPVO Financial Regulations to be sent to AC members for adoption by written procedure.

#### **6. Draft budget 2020 for approval**

The AC members adopted the draft budget 2020 of the CPVO, with abstention from Spain and United Kingdom.

#### **7. Adoption of Internal Control Framework**

The AC members adopted the CPVO Internal Control Principles, with abstention from Spain and United Kingdom.

#### **8. Adoption of the CPVO Anti-Fraud Strategy**

The AC members adopted the CPVO Anti-Fraud Strategy, with abstention from Spain and United Kingdom.

#### **9. CPVO IT Strategy - update )**

The AC members took note of the IT review processes' report from PriceWaterHouseCoopers. They acknowledged that funds and (human) resources would be necessary to implement the IT Strategy for CPVO digital transformation over the next 3 to 5 years.

#### **10. Amendment to the AC decision on public access to documents held by the Board of Appeal**

The AC members adopted the decision to be updated with correct Treaty references, with abstention from Spain and United Kingdom.

## **11. Amendment to the AC decision on the remuneration of members of the Board of Appeal**

The AC members adopted the amendment to the decision on the remuneration of the members of the Board of appeal of the CPVO of 18 March 2014 with deletion of the words "and introduced in the agent's job description" in Article 3, paragraph 1, last sentence, with abstention from Spain and United Kingdom.

## **12. Draft terms of reference for a working group on the cost calculation exercise**

With abstention from Spain and United Kingdom, the AC members adopted the establishment of a Working Group on Cost Calculation and agreed on the Terms of Reference with the following modification to the draft text "A Working Group should be composed of members from Examination Offices, representatives of Breeders' Organisations and chaired by the CPVO. The composition should ensure that expertise covers all four-crop sectors. The number of experts from Examination Offices should be limited to 5".

## **13. CPVO external communication and outreach strategy**

The AC members took note of the CPVO external communication and outreach strategy.

## **14. Appointments in relation to QAS team**

### **14.1 Replacement of QAS Team Leader in case of absence**

Following a recommendation emanating from the internal audit of QAS in September 2018, the AC members appointed the six experienced technical experts proposed as substitute QAS Team Leaders for the period until the end of 2021, with abstention from Spain and United Kingdom.

### **14.2 Appointment of new QAS expert(s)**

The AC members appointed Mr Lawaetz as QAS Technical Expert for the 2019-2021 assessment cycle, with abstention from Spain and United Kingdom.

### **14.3 Renewal of the QAS Audit Advisory Board (AAB)**

The AC members took note that the renewal process of QAS Audit Advisory Board (AAB) would be undertaken in the coming months, with a decision to be taken by the AC in spring 2020.

## **15. Agreement on requests for technical examination and take-overs**

### **15.1 Mexico for Guava**

1 - The AC members adopted the proposal as presented that DUS examinations would be organised at the Mexican Office – SNICS – for ongoing CPVO application 2015/0128 as well as for future applications for the species *Psidium guajava*, with abstention from Spain and United Kingdom. They also agreed that the CPVO would be entering into an arrangement for 5 years with SNICS under which the CPVO could both take-over DUS reports and initiate DUS tests for the species in question.

### **15.2 Costa Rica for pineapple**

2 - The AC members adopted the proposal as presented to enter into an agreement with the Costa Rican Office – ONS – to take over the DUS report for the genetically modified *Ananas comosus* (L.) Merr variety 'Rose', with abstention from Spain and United Kingdom.

## **16. Approval of Financial Accounts 2018**

The AC members took note of the CPVO Final Accounts for 2018, which have been subject to an Audit by the European Court of Auditors with only minor changes to explanatory texts compared to the version presented in March 2019.

## **17. Adoption of amended R&D rules**

The AC members adopted the amended R&D rules with changes proposed to Article 4. as regards the criteria to be taken into account for the level co-funding, Article 5. as regards an assessment on admissibility to be made by the CPVO and Article 6 as regards a declaration of absence of Conflicts of Interest to be signed by the members of the Advisory group. The decision has been taken with abstention from Spain and United Kingdom.



## **18. Decisions on the recommendations to entrust Examination Offices**

The AC members adopted the three recommendations put forward by the Audit Team Leader for France (GEVES), Croatia (Croatian Agency for Agriculture and Food (HAPIH)) and Poland (COBORU).

## **19. Adoption of implementing rules of the Staff regulation**

With abstention from Spain and United Kingdom, the AC members agreed to opt out from the original Commission decisions and adopted the Commission model decisions on Middle Management, on Contract Agents and on the Function of Adviser. They also adopted the Commission decision on Outside activities by analogy.

## **20. Report on QAS activities**

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

## **21. Research and Development (R&D)**

### **21.1. New timeline for processing R&D proposals**

The AC members took note of the timeline proposed for the relevant steps to be followed by applications for funding a project. In essence, the CPVO shall get the final proposal by 1 May of year N-1 for a project to start from 1<sup>st</sup> January of year N.

### **21.2. New projects and ongoing projects**

The AC members took note of the two new R&D projects co-funded by the CPVO to start as from 1<sup>st</sup> January 2020. One on the development of a SNP marker set in Cannabis to support DUS testing coordinated by Naktuinbouw and planned for a duration of 24 months. And one on Harmorescoll, aiming at facilitating access to reference material for performing disease resistance tests within DUS examinations coordinated by both GEVES and Naktuinbouw and scheduled for 3 years.

In addition, the AC members asked the CPVO to update the title of the first project with an alternative terminology for Cannabis, to be agreed upon with the project coordinator.

### **21.3. INVITE project - Update**

The AC members took note of the update on the INVITE project.

## **22. Report on meeting with the industry on EDV**

AC members took note of the information presented.. Only DE expressed itself

## **23. Cooperation CPVO-EPO**

AC members took note of the stay of the implementation activities planned in the framework of the bilateral cooperation between EPO and CPVO until autumn 2019 following EPO's Technical Board of Appeal decision on biotechnology and plants in case T-1063/18. Members States and observers were invited to support the EU position and to send their individual contributions (amicus curiae) to the Enlarged Board of Appeal of the EPO by 1 October 2019.

## **24. Proposal to amend the policy on public access to documents in relation to the breeding scheme**

The AC members took note of the CPVO proposal to amend the policy on public access to documents in relation to the breeding scheme. In essence, the CPVO would need to assess each access request to the breeding scheme for non-hybrid varieties. The change of practise does not affect hybrids for which Article 88.3 of the Basic Regulation establishes confidentiality of the breeding scheme if so requested by the applicant at the time of filing the application.

## **25. Update on the implementation of the International Relations Strategy**

The AC members took note of the update on the implementation of the International Relations Strategy.

## **26a. AOB1: Satisfaction survey and items proposals for next meeting**

The AC members were invited to give their feedback on the meeting and to share with the CPVO any identified problems using the platform [evdr.co/acsept2019](https://evdr.co/acsept2019).



**26b. AOB2: Last meeting for Udo von Kröcher**

The AC members, observers and CPVO Office wished all the best to Udo van Kröcher for his retirement.

**26c: AOB3: CIOPORA : Information related to EU-MERCOSUR Free Trade Agreement**

The AC members took note that in the EU-MERCOSUR Free Trade Agreement in Principle announced on 28 June 2019 the provisions on PVP are also based on the UPOV78 Act and not only on the UPOV91 Act.

**26d: Amendment of the seed legislation – new developments?**

The AC member took note of the information on possible future developments on the amendment of the seed legislation.

**27. 2020 AC meetings and 25<sup>th</sup> Anniversary**

The Chairperson of the AC confirmed that next AC meeting would take place on 1 and 2 April in Angers and that the CPVO would celebrate its **25<sup>th</sup> Anniversary on 1st October 2020 in ANGERS.**

