

ADMINISTRATIVE COUNCIL OF THE CPVO

Angers, 14-15 March 2017

Main conclusions

1. Opening of the meeting

2. Approval of the draft agenda

The Chairperson of the AC declared the agenda adopted as modified.

3. Confidential: Opinion of the AC in respect of the shortlisted candidates for the function of Vice-President of the CPVO (DOC-AC-2017-1-3-EN + Annex)

Restricted to AC members

4. Confidential: Contract of the President of the CPVO (DOC-AC-2017-1-4-EN + Annex)

Restricted to AC members

5. Consolidated Annual Activity Report 2016 (DOC-AC-2017-1-5-EN + annexe)

The AC members took note that a letter would be sent by the Commission to the CPVO with some punctual remarks on the overall content of the Annual Activity Report.

5.1 Items to take note

The AC members took note of the reporting part of the Annual Activity Report for 2016: management report, statistics, social report and financial report and Provisional Annual Accounts 2016.

5.2 Items to adopt:

The AC members adopted the AC Analysis and Assessment signed by the Chairperson of the AC.

The AC members adopted the discharge of the President of the CPVO in respect of the implementation of the budget for the financial year 2015.

6. CPVO Strategic Plan 2017-2021 (DOC-AC-2017-1-6-EN + annex)

The AC members took note of the CPVO Strategic Plan 2017-2021. They furthermore asked the Commission to send their detailed comments in writing by mid-April at the latest. The amended document would then be circulated to the AC members in June in order for the final version to be presented for adoption to the AC in October next.

7. Draft Single Programming Document 2018-2020, including the Preliminary Draft Budget 2018 (DOC-AC-2017-1-7-EN + 2 annexes)

The AC members took note of the preliminary draft budget for 2018.

8. International Relations Strategy (DOC-AC-2017-1-8-EN + 2 annexes)

The AC members took note that draft International Relations Strategy of the CPVO will be amended before adoption in October 2017.

9. Seconded National Experts (SNEs) (DOC-AC-2017-1-9-EN)

The AC members gave their agreement on the principle that the CPVO could develop a strategy enhancing the use of Seconded National Experts in order to improve exchange of professional knowledge between CPVO and national administrations with efficient funding from the CPVO.

10. Decision on the recommendations to entrust Examination Offices (DOC-AC-2017-1-10-EN)

The AC members adopted the two recommendations put forward by the Audit Team Leader for the Netherlands (NAKTUINBOUW) and Poland (COBORU).

21. QAS Review report 2016 (DOC-AC-2017-1-21-EN + annex)

The AC members took note of the Quality Audit Service report for 2016.

11. Satisfaction Survey AC meeting October 2016 (DOC-AC-2017-1-11-EN)

The AC members took note of the outcome of the satisfaction survey on AC meetings. In essence, 1) as regards the place of the meetings, Brussels - or similar easy-to-reach place - will be chosen more often as venue of the autumn meetings, 2) AC members will be requested, in the invitation letters, to send in advance of the meetings, their topics for discussion and finally, 3) AC members are encouraged to take a more proactive approach during the AC meetings and to participate in the discussions more than in the past.

12. Request to welcome EUIPO as Observer (DOC-AC-2017-1-12-EN + annex)

The AC members adopted at unanimity the decision by which EUIPO will be invited as observer to its meetings. The decision will be communicated to EUIPO accordingly and the AC members are expecting the adoption of a similar decision by the EUIPO Administrative Board for the CPVO to be invited in its meetings.

13. Adoption of CPVO-TPs (DOC-AC-2017-1-13-EN + 19 annexes)

The AC members adopted six new and 13 revised technical protocols presented for:

(new) CPVO-TP/033/1-Poa Pratensis L., CPVO-TP/080/1-Glycine max (L). Merrill, CPVO-TP/178/1-Raphanus sativus L. var oleiformis Pers., CPVO-TP/179/1-Sinapis alba L., CPVO-TP/311/1-Cucurbita maxima Duch. X Cucurbita moschata Duch., CPVO-TP/313/1-Lagenaria siceraria; and

(revised) CPVO-TP/007/2 Rev.2-Pisum sativum L., CPVO-TP/013/5 Rev.2-Lactuca sativa L., CPVO-TP/023/3-Solanum tuberosum L., CPVO-TP/045/2 Rev-Brassica oleracea – cauliflower, CPVO-TP/048/3 Rev-Brassica oleracea – cabbage, CPVO-TP/054/2 Rev-Brassica oleracea – Brussels sprouts, CPVO-TP/055/5 Rev.2-Spinacea oleracea L., CPVO-TP/065/1 Rev-Brassica oleracea – kohlrabi, CPVO-TP/076/2 Rev-Capsicum annuum L., CPVO-TP/151/2 Rev-Brassica oleracea – broccoli, CPVO-TP/202/2-Ocimum basilicum L., CPVO-TP/212/2-Petunia Juss, CPVO-TP/294/1 Rev.2-Tomato rootstocks (partial revision).

14. Procedure for analogous growing periods for a DUS test (DOC-AC-2017-1-14-EN + annexe)

The AC members endorsed, in accordance with article 36.1 of the Basic Regulation, the set of five rules detailed in the procedure of analogous growing periods for a DUS test. Those rules will be applied immediately in the vegetable sector by the examination offices mentioned in the cover note but are open to other examination offices and other crop sectors. Finally, the rules will be published on the CPVO Web site.

15. Entrustment of an Examination Office for a new species (DOC-AC-2017-1-15-EN)

The AC members agreed on the entrustment of the Bundessortenamt to carry out DUS technical examination of varieties of *Chamelaucium uncinatum* Schauer and *Chamelaucium uncinatum* Schauer x *Verticordia grandis* J. Drumm. ex Meisn species under fee/cost group 10.

16. Implementing rules of the Staff Regulations (DOC-AC-2017-1-16-EN + 3 annexes)

16.1. Adoption of model decisions

The AC members adopted the two model decisions presented.

16.2. Opt-out of Commission decisions

The AC members agreed to opt-out of the five Commission decisions presented.

17. IMODDUS - Report from second meeting (DOC-AC-2017-1-17-EN + 2 annexes)

The AC members took note of the report on the 2nd meeting of the IMODDUS group aiming at developing a strategy on how to integrate BMT into DUS testing and proposing R&D projects for co-funding by the CPVO.

18. Cooperation between CPVO and EPO (DOC-AC-2017-1-18-EN + 2 annexes)

The AC members took note of the update on the cooperation between CPVO and EPO. In particular, a joint public conference is foreseen to take place in Brussels at the end of the year (no final date yet) which will address the Council's common position on the Commission notice and its implementation by the EPO.

19. Variety Denominations Guidelines (DOC-AC-2017-1-19-EN)

The AC members took note of the state of affairs of the ad-hoc working group on the revision of the current explanatory notes on variety denominations.

20. Development of Variety Finder (DOC-AC-2017-1-20-EN+ 2 annexes)

The AC members took note of the information provided on possible future development of Variety Finder database.

AOB1: Request from ESA to pay annual fees in advance (ESA)

The AC members took note of ESA's suggestion to allow for upfront payment of annual fees. The CPVO will investigate and come up with an analysis in the AC October 2017 meeting.

AOB2: Maltese presidency: PVR/Patents issues (Malta)

The AC members took note of the work programme of the Maltese presidency in the Intellectual Property field.

AOB3: Plant Reproductive Material (PRM) legislation (Commission)

The AC members took note that for the time being a new full review of the present legislation in the area of Plant Reproductive Material is not a priority for the Commission.

AOB4: Request to extend the duration of CPVRs for certain crops (Plantum)

The AC members took note that Plantum, ESA and CPVO were going to provide data to the Commission in response to its request for data to support the request to extend the duration of Community Plant Variety rights for certain species.

AOB5: Sharing online applications (The Netherlands)

The AC members took note that the project of sharing online applications was on track with a tentative launching date in September 2017.

AOB6: A consequence of 'Brexit' (Chairperson of the AC)

The AC members took note of the chairman's decision to resign from chairmanship of the AC once the UK would have triggered out Article 50 of the Lisbon Treaty. The current chairman will start chairing the October 2017 AC meeting with the agenda points on the appointment of a new Chair and Vice Chair of the AC and will then hand over that task to the elected Chair. The AC members agreed.