



CPVO · OCVV

Community Plant Variety Office
Office Communautaire des Variétés Végétales

ADMINISTRATIVE COUNCIL OF THE CPVO

Angers, 21-22 March 2018

Main conclusions

1. Opening of the meeting and approval of the draft agenda

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

2. CONFIDENTIAL: Opinion and vote of the AC on a request for a Compulsory License

Restricted to AC members.

3. Presentation of the EUIPO (no document)

The AC members took note of the presentation of the EUIPO activities.

4. Consolidated Annual Activity report 2017

1 - The AC members took note of the reporting part of the Annual Activity Report for 2017. They adopted the AC Analysis and Assessment to be signed by the Chairperson of the AC and the discharge of the President of the CPVO for the budget year 2016.

5. AC Opinion on Draft Single Programming Document (SPD) 2019-2021

The AC members took note of the Draft Single Programming document 2019-2021 including the 2019 Draft Annual Work Programme.

6. Preliminary Draft budget (PDB) 2019

The AC members took note of the Preliminary Draft Budget for 2019. The AC members are fully aware of the staffing issue and are looking forward to a final decision in September 2018 when adopting the 2019 budget, including the establishment plan for 2019.

7. Adoption of amended Denomination Guidelines

The AC members adopted the CPVO GUIDELINES on Variety Denominations with EXPLANATORY NOTES on Article 63 of Council Regulation (EC) 2100/94 of 27 July 1994 on Community plant variety rights.

In order for the CPVO GUIDELINES to enter into force, the AC members invited the European Commission to amend, as soon as possible, Commission Regulation (EC) No 637/2009 of 22 July 2009 establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species.

8. Adoption of amended policy on Conflict of Interest

The AC members adopted the "CPVO policy on prevention and management of conflict of interest" as modified. In addition, the declarations on the absence of conflict from the AC members will be signed annually and published on the CPVO web site together with the adopted policy.

9. Appointment by the AC of a new member to the R&D Advisory Group

The AC members appointed Mrs Mathilde CAUSSE as member of the R&D Advisory Group. They also agreed to revise the AC rules on cofinancing of R&D projects and invited the CPVO to draft a proposal to be discussed - and possibly adopted - at next AC meeting.

10. AC Decision to give consent to the CPVO to take over DUS reports from competent authorities outside the EU

1 - The AC members agreed that the CPVO would sign an agreement with the Israeli Office - Plant Breeders' Rights Unit of the Israeli Ministry of Agriculture - to take over reports for *Jacaranda mimosifolia* D. Don and *Mangifera indica* L. for 3 years.

2 - The AC members agreed that the CPVO would sign an agreement with the New-Zealand Office – MBIE / PVR Office - to take over reports for *Grevillea alpine* Lindl. X *G. rosmarinifolia* A. Cunn for 3 years.

11. Decision on the adoption of CPVO Technical Protocols

1 - The AC members unanimously adopted the 3 new technical protocols presented for *Cichorium intybus* L. var. *foliosum* Hegi (leaf chicory) (CPVO-TP/154/1), *Hibiscus syriacus* L. (CPVO-TP/274/1) and *Eucalyptus* L'Hér. (CPVO-TP/296/1).

2 - The AC members unanimously adopted the 6 (partial) revisions of technical protocols presented for *Lactuca sativa* L. (CPVO-TP/013/6), *Brassica oleracea* L. convar. *botrytis* (L.) Alef. var. *botrytis* L. (CPVO-TP/045/2 Rev.2), *Cucumis sativus* L. (CPVO-TP/061/2 Rev), *Cichorium intybus* L. (Witloof chicory L. (CPVO-TP/173/2), *Lavendula* L. (CPVO-TP/194/1 Rev), *Cannabis sativa* L. (CPVO-TP/276/1 Rev), *Beta vulgaris* L. ssp. *vulgaris* var. *saccharifera* Alef. (syn. *Beta vulgaris* L. ssp. *vulgaris* var. *altissima* Döll (CPVO-TP/sugarbeet/1 Rev)

3 - The AC members unanimously adopted the 2 partial revisions of technical protocols presented for *Solanum lycopersicum* L. (CPVO-TP/044/4 Rev.3) and *Solanum habrochaites* S. Knapp & D.M. Spooner; *Solanum lycopersicum* L. x *Solanum habrochaites* S. Knapp & D.M. Spooner; *Solanum lycopersicum* L. x *Solanum peruvianum* (L.) Mill.; *Solanum lycopersicum* L. x *Solanum cheesmaniae* (L. Ridley) Fosberg *Solanum pimpinellifolium* L. x *Solanum habrochaites* S. Knapp & D.M. Spooner (CPVO-TP/294/1/Rev.3) without the additional method of observation (alternative DNA marker test for *Fusarium oxysporum* f.sp. *lycopersici* (Fol)); and

4 – The AC members asked the Vegetable Experts to discuss the additional biomolecular method of observation for tomato (CPVO-TP/044/4 Rev.3) and tomato rootstock (CPVO-TP/094/1 Rev.)³ at its next VEM meeting.

12. Implementing rules of the Staff Regulations

1 - The AC members adopted the European Commission model decision on “Learning and Development”.

2 - The AC members gave a mandate to the President of the CPVO to make the official request to the European Commission to derogate from the application by analogy of the decision applicable to the Commission with the view of adopting a model decision for agencies once finalised.

3 - The AC members gave a mandate to the President of the CPVO to make the official request to the European Commission to derogate from the application by analogy of the decision applicable to the Commission on Temporary Occupation of Management Posts.

4 - The AC members adopted the European Commission decision on the Guide to missions and authorised travel to apply *mutatis mutandis* to the CPVO pending the availability of European Commission IT Applications.

13. Adoption of decision on Seconded National Experts (SNEs)

The AC members adopted the decision on Seconded National Experts (SNEs).

14. Appointment of reporting Officer for the Appraisal of the President

The AC members appointed Ms Céline GAUER, new Deputy Director General of DG Santé, as Reporting Officer for the appraisal of the President of the CPVO. Mr M. Valstar (Vice Chairperson) remains the second reporting officer and Mrs B. Pavlovska (Chairperson), the appeal officer.

15. Decision on the recommendations to entrust Examination Offices

The AC members adopted the four recommendations put forward by the Audit Team Leader for Denmark (TystofteFoundation), Belgium (Instituut voor Landbouw- en Visserijonderzoek ILVO eenheid Plant), Spain (Oficina Española de Variedades Vegetales (OEVV)) and the Netherlands (NAKTUINBOUW).

16. Report on QAS activities

The AC members adopted the Quality Audit Service review report for 2017.

In addition, the AC members instructed the CPVO and the European Commission to assess the legal basis of the audit fee currently based on a contractual arrangement with the examination offices and not included in the fees Regulation (Regulation (EC) No 1238/95 as regards the fees payable to the Community Plant Variety Office).



17. Update on Brexit related issues

The AC members took note of the state of affairs as regards Brexit. The 29th of March 2019 will be the "exit date" which will be followed by a transition period running until 2020. How those two dates will be applied will hopefully be clarified in the Withdrawal Agreement between the European Union and the United Kingdom when agreed.

18. Research & Development

The AC members took note of the participation of the CPVO in the « INVITE » consortium which submitted a bid on 13 February 2018 in the framework of the Horizon 2020 project financed by the European Commission and aiming at improving variety testing in the EU. It is expected that the successful consortium would sign an agreement in spring 2019 for a project duration of 5 years.

19. Cooperation CPVO-European Patent Office (EPO)

The AC members took note of the state of affairs of the cooperation between CPVO and EPO.

20. International Strategy on International activities

The AC members took note of the update on the fulfilment of the international activities of the CPVO. They welcomed the good synergy shown between CPVO, EUIPO, Commission services, examination offices and other IP Stakeholders.

21. Update on the joint CPVO-Commission IT project

The AC members took note of the state of affairs of the joint CPVO-Commission IT project for a unique EU IT system (including database) on plant varieties. The AC members encouraged the CPVO and its partners to build-up a flexible IT system for inclusion of additional information in the future.

22. Update on Client Payments (SEPA Direct Debit)

The AC members took note that the CPVO was envisaging introducing the so-called 'SEPA Direct Debit' (SDD) method for payments. Before doing so, the legal implications would need to be assessed and a survey would be launched to evaluate interest in that project before any IT development could start.

23. State of affairs on AC request to extend the duration of protection for certain species

The AC members took note that the data provided in support of the request for extending the duration of protection for asparagus, some woody ornamental species and flower bulbs for an additional 5 years were insufficient and did not provide enough solid and valid arguments for the Commission services to initiate a legislative procedure. The AC members encouraged the CPVO and breeders to collect the necessary additional data requested by the Commission to proceed with the proposal.

24. Conditions for national authorities to use the on-line application system – applyfor.plantvarieties.eu

The AC members expressed their opinions on the online application system – applyfor.plantvarieties.eu – and the possible interest of National Authorities in using it in a near future based on a contractual arrangement with the CPVO and a fee (20 euros per application proposed so far, subject to discussion) aiming at ensuring the maintenance of the system at fair cost. The CPVO was asked by the Commission to clarify the legal basis of such a potential fee.

25. Annual Meeting with Examination Offices 2017 - Minutes

The AC members took note of the report of the annual Meeting with Examination Offices (MEOs) 2017 and the date of the forthcoming meeting: 5-6 December 2018 followed by a workshop on heterogeneous material.

26. EU/Switzerland bilateral agreement including PVRs

The AC members took note of the EU/ Switzerland ongoing discussions on a bilateral agreement that would integrate PVRs. With such an agreement, an application made in the EU would extend to the territory of Switzerland.

27. Draft Agenda of next AC meeting

The Chairperson of the AC confirmed that next AC meeting would be held in Sofia, Bulgaria on 19 September 2018. Members and observers are invited to add items to the draft agenda.



The AC meeting will be followed by a Seminar on EU PVPsystem and the benefits of Plant variety rights for regional breeders and stakeholders (from Bulgaria and possibly surrounding countries).

