

ADMINISTRATIVE COUNCIL OF THE CPVO

27 February 2013 in Angers

Main conclusions

- 1. Adoption of the draft minutes from the meeting held on 27 and 28 November 2012**
The minutes of the AC meeting of November were adopted with the amendments requested by the Commission and the Netherlands.
- 2. Reports**
 - **Present activities of the CPVO:** the AC members took note of the report.
 - **CPVO social report for 2012:** the AC members took note of the report.
 - **Internal audit report for 2012:** the AC members took note of the report.
 - **Authorising officer's report for 2012 and adoption of the analysis and evaluation of the authorising officer's report:** the AC members with voting rights, present or represented, unanimously adopted the report and asked the Chairperson of the AC to sign it and to transmit the analysis and evaluation to the Court of Auditors before 15 June 2013.
 - **Report on the 1st audit cycle by QAS:** the AC members took note of the report
- 3. Discharge of the President for the implementation of the budget for the financial year 2011**
The members of the AC with voting rights, present or represented, unanimously adopted the discharge of the President for the implementation of the 2011 budget.
- 4. Provisional accounts for 2012**
The members of the AC took note of the provisional accounts.
- 5. Multi annual staff policy plan (MSPP) for 2014-2016**
The CPVO has sent to the Commission (DG SANCO) a proposal for the MSPP 2014-2016, using the new template provided by the Commission and received just before the AC meeting comments from the Commission to provide more details on certain issues, no further comments have been received from the other AC members.. A revised version of the MSPP 2014-2016 will be prepared taking in consideration the comments received. That revised version will be sent to the Commission (DG SANCO) and once an agreed version is produced it will be sent to the AC members for a possible adoption under the written procedure.
- 6. Appointment of the CPVO accountant**
The members of the AC with voting rights, present or represented, unanimously appointed Mrs. Anne-Fernandez as CPVO accountant from 1st March 2013.
- 7. Fee structure**
The members of the AC with voting rights, present or represented, unanimously decided to forward to the Commission a proposal to amend the Fees Regulation so as to reduce the Annual fee from 300 to 250 euros as from 1 January 2014. They also agree to the launch of a cost calculation exercise and charge the CPVO to explore the best legal solution concerning the future relationship with clients and examination offices.
- 8. Provisional budget for 2014**
This item was discussed after the multi annual plan and the fee structure.

The draft budget was presented and some clarifications to the establishment plan were requested by the Commission. With those clarifications the members of the AC with voting rights, present or represented, unanimously adopted the budget for 2014.
- 9. State of affairs regarding the CPVO Board of Appeal and the European Court of Justice cases**

The members of the AC took note of the report.

10. Organisational developments : business process review

The members of the AC took note of that the CPVO will shortly undertake a review of its internal procedures through a *Business Process Review*.

11. Proposed modification of the rules of procedure of the AC

The members of the AC with voting rights, present or represented, decided to amend the rules of procedure of the AC adopting the decision in annex to document 14. AC decisions relating to entrustment of examination offices will be rules by Article 8(2) of the Rules of procedure of the Administrative Council of the CPVO.

12. Quality Audit Service (QAS)

- **Quality Audit Service review report for 2012:** the AC members with voting rights unanimously adopted the review report for 2012.
- **Entrustment recommendations:** The members of the AC with voting rights, present or represented, unanimously expressed their support for the two entrustment recommendations made by the QAS with full scope for the offices of:
 - ✓ Denmark (University of Aarhus),
 - ✓ Greece (Ministry of Agriculture),

As well as the QAS recommendation for extending the scope of entrustment as requested by GEVES (France).

The members of the AC with voting rights, present or represented, agreed to prolong the suspensory period of the Romanian examination office until the next AC meeting.

13. Appointment of examination offices: results of the inventory of January 2013 for new species

The AC members with voting rights, present or represented, unanimously designated the offices proposed by the CPVO for the 21 species with one modification requested by Germany.

14. Approval of CPVO technical protocols for DUS tests

The members of the AC with voting rights including those voting by proxy unanimously adopted the seven revisions of the technical protocols for *Phaseolus vulgaris* L. (CPVO-TP/012/4), *Solanum lycopersicum* L. (CPVO-TP/044/4), *Spinacia oleracea* L. (CPVO-TP/055/2), *Raphanus sativus* L. var. *sativus* et *Raphanus sativus* L. Var. *niger* (Mill.) S. Kerner (CPVO-TP/064/2), *Cynara cardunculus* L. (CPVO-TP/184/2), *Calibrachoa* Llave & Lex (CPVO-TP/207/2) and *Pastinaca sativa* L. (CPVO/TP/218/2).

15. Centralisation of DUS testing for small species

The members of the AC encouraged the CPVO to continue working on the basis of the proposal. Several members requested to add the national situation as additional criteria to be used. AC members were invited to provide final comments to the CPVO on **1st of May 2013** at the latest.

16. Report on the annual meeting 2012 of the CPVO with its examination offices

The AC members took note of the report.

17. Any other business

The members of the AC decided to postpone the seminar on the interface between patents and PVRs in 2014 and to organise next AC meeting in Brussels on 2 October 2013, the day before the Council Working Group.