



CPVO · OCVV

Community Plant Variety Office
Office Communautaire des Variétés Végétales

ADMINISTRATIVE COUNCIL OF THE CPVO

Angers, 30 September 2020

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.

2. CONFIDENTIAL: Elections of new Chair and Vice-Chair

2.1. Elections of Chair of the AC for the period 4/10/2020-03/10/2021

The Chairperson of the AC concluded that Mr Marien VALSTAR was appointed Chairperson of the AC for 3 years, starting from 4 October 2020.

2.2. Election of Vice-Chair of the AC for the period 4/10/2017-03/10/2020

The Chairperson of the AC concluded that Mr SOBRINO MATE was elected Vice-Chairperson of the AC for 3 years, starting from 4 October.

3. Report on impact of COVID-19 (DOC-AC-2020-2-03)

The AC members took note of the information provided on the impact of COVID-19 for CPVO activities and finances.

4. Single Programming Document 2021-2023 (DOC-AC-2020-2-04 + 2 annexes)

The AC members adopted the Single Programming Document – SPD – 2021-2023.

5. Statistics

The AC members took note of the key figures updated as of 15 September 2020.

6. Prolongation of the QAS Audit period - update (DOC-AC-2020-2-06)

The AC members approved the prolongation of the current QAS audit cycle as well as the mandate of the 36 QAS technical experts by one year until the end of 2022.

7. Draft budget 2021 for approval (DOC-AC-2020-2-07 + annex)

The AC members adopted the draft budget 2021 of the CPVO.

8. Seminars on enforcement of Plant Variety Rights (DOC-AC-2020-2-08)

The AC members took note of the structured approach proposed by the CPVO to hold at least one seminar per year, mainly on enforcement of PVRs (but not only), from 2022 on.

9. Draft Research and Development (R&D) strategy 2021-2025 (DOC-AC-2020-2-09 + annex)

The AC members took note of the draft CPVO strategy 2021-2025 for R&D activities. They were invited to send their comments to the CPVO by the end of 2021. A final draft would be presented for adoption by the Administrative Council in spring 2021.

10. List of members of the Board of Appeal (DOC-AC-2020-2-10 + 2 annexes)

The AC members adopted the list of Members of the Board of Appeal of the CPVO as proposed by the CPVO with effect as from 23 February 2021 for 5 years.

11. Creation of a User' Working Group on IT projects (DOC-AC-2020-2-11)

The AC members approved the creation of a User' Working Group on IT projects. The Terms of reference will be updated with the comments made by Sweden and adopted later on by written procedure.

12. Study on the benefits of the EU PVP system by the Observatory (DOC-AC-2020-2-12)

The AC members took note of the upcoming sectorial study of the European Observatory on infringements of Intellectual Property Rights on "the benefit of the EU PVP system in 2021". They recalled the importance of that study for the Plant Variety Protection system, and insisted that the methodology of the study shall allow an analysis of the impact of Plant Varieties Rights on the EU Green Deal; F2F and UN SDGs policy as well.

13. Approval of Financial Accounts 2019 (DOC-AC-2020-2-13+annex)

The AC members took note of the CPVO Final Accounts for 2019, which have been subject to an Audit by the European Court of Auditors with no changes to explanatory texts compared to the version presented in March 2020. They also include a declaration of CPVO accountant and President.

14. Decisions on the recommendations to entrust Examination Offices (DOC-AC-2020-2-14)

The AC members took note that due to the Covid-19 situation, Quality Audit Service (QAS) had not been able to perform any on-site assessments to entrusted examination offices between March and August 2020 and consequently did not propose any recommendations to entrust Examination Offices.

15. Adoption of implementing rules of the staff Regulation (DOC-AC-2020-2-15 + 6 annexes)

The AC members adopted Commission decisions on "Administrative Inquiries", "Maximum duration of non-permanent staff", "Drivers" and "Leave" by analogy.

16. Presentations by DG SANTE

16.1. EU IP Strategy (oral presentation)

The AC members took note of the update on the EU IP strategy. They stressed that the PVP system should be one of the IP rights to be considered in the IP strategy of the EU. They also insisted that the timeframe for the revision of the basic regulation could be given a higher priority.

16.2. State of Affairs as regards extension of duration of protection (oral presentation)

The AC members took note that the Commission was working on the extension of the duration of protection of certain species. They were invited, together with the industry, to approach the Members of the Parliament for explanatory discussions in order to ease the adoption of the texts when ready.

16.3. State of Affairs as regards possible updates on PRM matters (oral presentation)

The AC members took note of the state of affairs on possible PRM and Seed Legislation updates.

17. Report on Quality Audit Service (QAS) activities (DOC-AC-2019-2-17)

The AC members took note of the report on Quality Audit Service activities for 2020.

18. Update on Research & Development projects (DOC-AC-2020-2-18 +annex)

The AC members took note of the report on CPVO R&D and INVITE projects.

19. Update on IT projects (DOC-AC-2020-2-19)

The AC members took note of the updated report on IT projects.

20. Report on the PLAVARLIS project (DOC-AC-2020-2-20)

The AC members took note of the update on the EU Plant Variety Portal (PLAVARLIS) project.

21. Cooperation CPVO-EPO (DOC-AC-2019-2-21)

AC members took note of the stay of the implementation activities planned in the framework of the bilateral cooperation between EPO and CPVO while the procedure for the referral to the Enlarged Board of Appeal in case G 3/19 was pending. On 14.05.2020, the enlarged board of appeal of EPO issued its opinion in case G



3/19 but no meeting was possible with EPO due to COVID Crisis. CPVO and EPO agreed to organize a virtual meeting in January 2021 to resume cooperation.

22. Cooperation CPVO-EUIPO (DOC-AC-2019-2-22)

AC members took note that the duration of the current Memorandum of Understanding between CPVO and EUIPO had been extended as from 2.2.2020 until the signature of a new agreement which shall occur as soon as possible upon confirmation of EUIPO.

23. Update on the implementation of the International relations strategy (DOC-AC-2020-2-23)

AC members took note of the update on the implementation of the International Activities of the CPVO. The annual work programme had to be adapted into virtual activities when possible since March 2020 due to COVID crisis and the other activities have been put on hold. The CPVO acknowledged the importance of a good coordination, in particular with breeders Organisations, so that information is channelled correctly and nobody is left outside.

24a. AOB1: Opinion of the Administrative Council on the vacancy notice for the position of alternate Chair of the Board of Appeal

The AC members agreed on the vacancy notice for the post of the alternate Chair of the Board of appeal with the proposed indication that the meetings of the Board could be organised virtually.

24b. AOB2: Timely declaration of attendance of national experts to Administrative Council meetings

The AC members expressed in favour of allowing a limited number of CPVO staff members to attend AC meetings when held virtually.

24c. AOB3: Liability of Examination Office in Designation Agreements – follow-up of discussion in last Annual Meeting of Examination Offices

The AC members took note that no limitation of liability for gross negligence and wilful misconduct can be granted to Examination Offices in the current Designation Agreements.

24d. AOB4: Term of reference Working Group on Costs Calculation (CC-WG)

The AC members took note of the information provided.

24e. AOB5: Virtual attendance vs physical attendance: opinion of the AC on modalities for next AC meetings

AC members expressed their opinions on the type of AC meetings they would recommend for the future. From the opinions expressed, hybrid meetings allowing physical presence and virtual access were favoured.

25. AC meeting and CPVO Event (replacing the 25th anniversary) in April 2021

The AC members took note that next AC meeting will be held on 15 April 2021, physically or virtually according to the sanitary situation. At the occasion an Event (replacing the 25th anniversary) may be organized.

