



CPVO

Community Plant Variety Office

Annual Report

2022





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1. WELCOME MESSAGE FROM FRANCESCO MATTINA, PRESIDENT OF THE CPVO



Francesco Mattina

2022 marked a year of transformation and watershed between the present and the past for the Community Plant Variety Office (CPVO). The seed has been sown to give life to multiple projects. Let's start by mentioning the massive work of preparation of the strategic plan 2022-2026 which saw the active participation of all the staff of the CPVO and of our most important stakeholders. The strategic plan marks the vision of the whole CPVO for the achievement of the strategic objectives mentioned in it. It would not have been possible to reach this degree of maturity, firstly, without the active engagement of the staff, and secondly, without the involvement of our stakeholders. The culmination of the work done was sealed by the adoption of the plan by the Administrative Council (AC) in October 2022. Of course, the strategic plan is a starting point. Its practical implementation passes through a cultural transformation of the CPVO which is only at the beginning of a long and complex process of cultural change.

In order to pave the way towards achieving its ambitions, in 2022 the CPVO has adopted a Human Resources (HR) strategy to enable it to perform at the highest level by offering a modern and dynamic workplace while rewarding attractive careers. The Human Resources strategy has been the result of collective efforts accompanied by HR ateliers where more than 500 feedbacks have been collected from the staff. The outcome of the work done has led to the completion of the first competency map which will provide a solid basis for staff development in the coming years.

The adoption by the Administrative Council of the new decision on working time and hybrid working responds to the dual need to grant a work environment based on flexibility and modernisation of work processes, in parallel with the commitment to contribute to the reduction of CO² emissions through the adoption of a greening policy. In this regard, in 2022 the CPVO has proposed to the Administrative Council to sell the current premises and reposition its headquarters in a site that guarantees both cost savings and an efficient working environment where all the staff can be grouped together avoiding the effect of segregation caused by the cohabitation in three different buildings, as it has been up to now. In October 2022 the Administrative Council authorised the sale of one of the buildings currently owned by the CPVO and I am confident that the project to relocate the CPVO premises will produce the desired results in the years to come.

The CPVO has also launched an assessment of the risks associated with cybersecurity and document management and has begun the reorganisation of its internal structure in progressive phases and improved the preparedness of the CPVO to face crises and safeguard business continuity. In this same spirit, among the strategic objectives of the strategic plan 2022-2026, internal control will play a more prominent role together with HR, under the newly created People and Resources Unit, as a business partner in support of other services of the CPVO.

A new Digital Transformation Unit (DTU) was created with the aim of guiding the transformation of the CPVO in adherence to the principles of lean management.

The year 2022 was also the year in which a lot more was invested in external communication and in strengthening advocacy vis-à-vis our stakeholders and institutions in support of European policy priorities. In 2022 the CPVO-EUIPO joint study on the impact of the Community Plant Variety Rights (CPVR) system in the European economy and environment has been publicly released and will continue being promoted in the years to come.

In 2022 the CPVO has confirmed our commitment to support the European Commission (EC) in achieving their policy priorities in different areas, such as trade, and better regulation initiatives regarding the reform of the plant reproductive material legislation and the new genomic techniques proposal.

I believe that the work carried out in 2022 and the variety of discussions we have been able to conduct with our main partners and stakeholders will help us in the implementation of the new strategic plan 2022-2026 and in transforming the organisation to be ready for future challenges.

2. FOREWORD BY MARIEN VALSTAR, CHAIR OF THE CPVO ADMINISTRATIVE COUNCIL



Marien Valstar

The President of the Community Plant Variety Office presented the annual activity report for the year 2022 to the Administrative Council on 31 March 2023.

The CPVO applications decreased slightly but remained strong in 2022, with 3 193 applications in total. The processing of more than 78 000 applications since 1995 underlines the stability of the system. The number of applications continues to be at a very stable level and the finances of the CPVO are robust.

The CPVO-EUIPO joint study published in April 2022 on the “Impact of the Community plant variety rights system on the EU economy and the environment”⁽¹⁾ has provided quantitative data on the benefits of the CPVR system for the EU economy, and the environment. This proves that supporting innovation in plant breeding with a robust intellectual property (IP) right system is at the forefront of the CPVO’s mission.

The Administrative Council meeting in October took place in the Netherlands. It was combined with a visit to several plant breeding companies. During these visits, information was exchanged on the goals the companies are trying to achieve and the role the CPVO plays in this regard. At the same time, the companies indicated in which way the CPVO could support their work even better. I think this kind of direct interaction is very important for both the CPVO as for the breeding industry.

The AC adopted, in October 2022, the new strategic plan 2022-2026, which lays down the objectives of the CPVO for the years ahead. In this framework, the CPVO has undergone an internal reorganisation that has led to the adoption of a new HR strategy and a competency framework at the same time leveraging our technology and information management capabilities.

The indicators provided in this report show that the objectives set in the 2022 work programme were satisfactorily achieved.

The AC takes note of the management report, especially the part related to Budget and Financial Management. It also takes note of the Assessment by the Management and the Declaration of Assurance.

The AC is satisfied with the declaration of the authorising officer that his report gives a true reflection of the situation on the ground and that he has reasonable assurance that the resources assigned to the activities described in his report have been used for their intended purpose. The AC also accepts that such activities were carried out with the principles of sound financial management. The AC is satisfied that the control procedures in place provide an adequate guarantee as to the legality and regularity of the affairs of the CPVO.

The AC is satisfied that the president of the CPVO is unaware of any matter not reported which could harm the interests of the CPVO.

⁽¹⁾ [CONTRIBUTION OF THE COMMUNITY PLANT VARIETY RIGHTS SYSTEM TO THE EU ECONOMY AND THE ENVIRONMENT \(europa.eu\)](https://euiopa.europa.eu/contribution-of-the-community-plant-variety-rights-system-to-the-eu-economy-and-the-environment)

3. THE CPVO-EUIPO STUDY



CPVO-EUIPO study shows the positive impact of CPVR system on EU economy and the environment.

On 28 April 2022, the CPVO together with the European Union Intellectual Property Office (EUIPO) published the study “Impact of the Community Plant Variety Rights System on the EU economy and the environment”. The study quantifies the economic and environmental contribution in the European Union (EU) of the CPVR system focusing on specific aspects of agriculture and horticulture, such as the contribution of the plant variety rights (PVR) system to the global competitiveness of EU farmers and growers. The study analysed official data and information from the business community to provide a picture of the agricultural sector and the impact of innovation on its stakeholders and consumers. The results of the study showed that the CPVR system has contributed to output growth in EU agriculture since 1995.

The study identified the innovator stakeholders that make use of plant variety protection, drafting a general profile that confirmed the general impression of those who are familiar with the market. Many of the companies protecting their innovations with CPVRs are small and medium-sized enterprises (SMEs), accounting for more than 90% of the registrants of CPVRs and holding 60% of all CPVRs currently in force.

Concerning the impact on the market of these innovators, it was observed that the additional contribution to the gross domestic product (GDP) generated by CPVR-protected crops amounts to EUR 13 billion. The study clearly shows that companies protecting their innovations by registering CPVRs employ more than 70 000 workers and generate a turnover of more than EUR 35 billion. The study also found that the additional production linked to plant variety innovations supported by the CPVR system is sufficient to feed an additional 57 million people for arable crops, 38 million for fruit, and 28 million for vegetables. Without the added production attributable to CPVR - protected varieties, the EU might switch from being a net exporter to a net importer of some crops.

The CPVR system not only makes an economic contribution to the European Union economy but also contributes to the fulfilment of the EU’s environmental strategies and objectives, including the Green Deal and the Farm to Fork strategy of the European Commission. The study found that annual greenhouse gas (GHG) emissions from agriculture and horticulture are reduced by 62 million tons per year thanks to CPVR-protected crops, the total GHG footprint of Hungary, Ireland, or Portugal. Water use in agriculture and horticulture is reduced by more than 14 billion m³, an amount of water equivalent to one third of the volume of Lake Constance.

By reducing the environmental impact and resource use of agriculture and horticulture, increasing farm incomes, and keeping prices lower for consumers, the CPVR system also contributes to the UN’s Sustainable Development Goals.

In summary, the study shows that the CPVR system is a crucial component of the EU’s agriculture and horticulture sectors. It incentivises innovation and plant breeding, leading

to the development of new plant varieties that are more productive, profitable, and sustainable. Furthermore, it has a positive impact on the economy, the environment, and society as a whole.

The full text of the study is available: [CONTRIBUTION OF THE COMMUNITY PLANT VARIETY RIGHTS SYSTEM TO THE EU ECONOMY AND THE ENVIRONMENT \(europa.eu\)](#)

4. THE COMMUNITY PLANT VARIETY RIGHTS SYSTEM

From its foundation and over its 25 years of functioning the CPVO has managed the CPVR system by granting an intellectual property right for protecting new plant varieties with unitary effect throughout the whole territory of the EU via a single application to the CPVO.

The CPVR system is not intended to replace or even to harmonise national systems but rather to exist alongside them as an alternative. Indeed, it is not possible for the owner of a plant variety to simultaneously exploit a CPVR and a national right granted in relation to that variety. Where a CPVR is granted in relation to a plant variety for which a national right or patent has already been granted, the national right or patent is rendered ineffective for the duration of the CPVR.



Rice trials in south of France

The legal basis for the CPVR system is found in Council Regulation (EC) No 2100/94 on CPVR (the basic regulation (BR)). On receipt of an application for a CPVR, the CPVO must establish that the variety is novel, that it satisfies the distinctness, uniformity and stability (DUS) criteria, and that a suitable variety denomination has been registered. Following the fulfilment of the formal and substantive examinations of applications, the CPVO arranges for a technical examination to determine the DUS, to be carried out by the entrusted Examination Offices (EOs) in the Member States or by other appropriate authorities outside the EU. To avoid unnecessary duplication of work where such a technical examination is being – or has already been – carried out in relation to a variety for official purposes, the CPVO may, subject to certain conditions, accept the results of that examination by taking over the report concerned.

Anyone may lodge an objection to the granting of a CPVR with the CPVO in writing and within specified time limits. The grounds for objection are restricted to allegations either that the conditions laid down in Articles 7 to 11 of the BR are not met (DUS, novelty or entitlement) or that the proposed variety denomination is unsuitable due to one of the

impediments listed in Article 63 of the BR. Objectors become parties to the application proceedings and are entitled to access relevant documents. After the grant, a CPVR may be declared null and void ex officio by the CPVO or further to a request from a third party on one of the conditions laid down in Article 20 of the BR. A third-party seeking annulment of a CPVR must adduce evidence and facts of sufficient substance to raise serious doubts as to the legality of the grant of a CPVR following the examination provided for in Articles 54 and 55 of the BR. A CPVR can also be cancelled on one of the grounds established under Article 21 of the BR.

Except in two specific instances where a direct action against a decision of the CPVO may be brought before the Court of Justice of the European Union, a right of appeal against such a decision lies with the CPVO Board of Appeal consisting of a chair appointed by the Council of the European Union and two other members selected by the chair from a list adopted by the AC. The addressee of a decision, or any person who is directly and individually concerned by the decision, may appeal against it. After examining the appeal, the Board of Appeal may exercise any power that lies within the competence of the CPVO or refer the case back to the CPVO, which is bound by the decisions of the Board of Appeal. Actions against decisions of the Board of Appeal may be brought before the Court of Justice of the European Union, based in Luxembourg. Decisions of the Board of Appeal and of the Court of Justice of the European Union are published in the CPVO case-law database on the CPVO website. Section 17 of this document provides a recap of all Board of Appeal decisions, the actions brought against the CPVO Board of Appeal decisions before the General Court, and the further legal proceedings brought before the Court of Justice of the EU, against the General Court judgments.

Figures 19 and 21 in Section 17 show the number of notices of appeal lodged with the CPVO Board of Appeal and the number of decisions reached by the Board of Appeal sorted out by references to the legal basis of the contested decisions.

Once granted, the duration of a CPVR is 25 years, or 30 years in the case of potato, vine, and tree varieties. Since the entry into force of Regulation (EU) 2021/1873 the duration of protection for a further 5 years was extended for varieties of the species *Asparagus officinalis* L. and of the species groups flower bulbs, woody small fruits and woody ornamentals. The effect of a CPVR is that certain specified activities in relation to variety constituents or the harvested material of the newly protected variety require the prior authorisation of the titleholder. Such authorisation may be granted subject to conditions and limitations. Infringement of a CPVR entitles the titleholder to commence civil or penal proceedings in the courts of the Member States against the perpetrator of the infringement.

Registers, which are open to public inspection, contain details of all applications received, all CPVR granted by the CPVO, and appeal documents held in the Board of Appeal register. The Official Gazette of the Community Plant Variety Office is published every two months and contains the information entered in the registers. Information on applications and PVR in force is accessible via the CPVO website.

5. THE ADMINISTRATIVE COUNCIL

The CPVO is supervised by an Administrative Council comprising representatives of the Member States and the European Commission, and their alternates. The AC monitors the activities of the CPVO. In particular, it is responsible for examining the annual activity report of the CPVO (including management report, social and financial reports and provisional annual accounts), adopting the budget of the CPVO, and granting a discharge to the president in respect of its implementation. In addition, it can provide advice, establish rules on working methods within the CPVO, and issue guidelines on technical examinations, committees of the CPVO, and general matters.

In 2022, in line with the option favoured by the Administrative Council members to mix hybrid meetings allowing physical presence and virtual access (see AC minutes of 30 September 2020), one AC meeting was held in hybrid format, in Angers (FR) and via Microsoft Teams and one meeting was held in Amsterdam, at the European Medicines Agency (EMA) premises, over the year.

The first meeting of the year took place on 27 April in Angers and via Microsoft Teams with 27 Member states represented.

During the meeting, the consolidated annual activity report for 2021 was presented providing a complete overview of the CPVO's activities for 2021 and including the AC Analysis and Assessment adopted and signed by the chairperson of the AC. The AC adopted a decision to discharge the president of the CPVO for the implementation of the 2020 budget.

The AC also adopted:

- the retrospective performance report of the strategic plan 2017-2021 and took note of the way forward to the new strategic plan 2022- 2026 and of the single programming document (SPD) 2023-2025.
- the revised "Entrustments Requirements" for Quality Audit Assessments to come into force on 1 January 2023
- The two recommendations put forward by the Audit Team Leader for Belgium (Instituut voor Landbouw- en Visserijonderzoek eenheid Plant (ILVO) and Spain (Oficina Española de Variedades Vegetales (OEVV)).
- The internal audit plan 2022 including one audit on the Board of Appeal process and Legal expenses and one audit on Software License Management.

Regarding the preliminary draft budget for 2023, the members of the Administrative Council supported the CPVO proposal while inviting to carefully consider the impact to come of the energy crisis on the breeding activities.

Regarding the project to relocate all CPVO staff in one single building in Angers, the AC commonly agreed on the relevance to launch a local market prospection but reminded that no purchase decision shall be taken without prior approval from the AC.

The Autumn meeting was held in Amsterdam (NL) at the EMA premises on 14 October 2022.

The AC adopted the strategic plan 2022-2026 and the single programming document 2022-2024.

The AC also adopted:

- The draft budget for 2023.
- Some implementing rules to the staff regulations by analogy from the European Commission.
- The decision on outside activities of the CPVO president.

The AC took note of the state of play of the CPVO building project aiming at acquiring new office space for the CPVO in Angers and of the update of the fees' regulation and the cost calculation exercise. The AC members agreed that a written procedure would be launched once the cost calculation exercise would be terminated in order to avoid extended periods where the costs paid for examinations are significantly higher than the corresponding amounts received from applicants.

The AC members expressed in favour of implementing the IP Action Plan for SMEs from the European Commission with vouchers with an amount of up to EUR 450 allowing for two applications by SME with a duration of 6 months.

Finally, during both meetings the AC took note of several other reports and approved a number of technical protocols.

Table 1

Chair of the Administrative Council	
M. Valstar since 5 October 2020	
Vice Chair of the Administrative Council	
M. José Antonio Sobrino Maté since 5 October 2020	
Members of the Administrative Council	
Austria	K. Mechtler (member) (Alternate vacant)
Belgium	S. Boens (member) G. Bailleux (alternate)
Bulgaria	B. Pavlovska (member) T. Gadev (alternate)
Cyprus	C. Christou (member) A. Georgiadou (alternate)

Members of the Administrative Council

Czechia	D. Jurecka (member) A. Povolná (alternate)
Germany	E. Pfuelb (member) C. Farr (alternate)
Denmark	K. Riskaer (member) K. Bech Klindt (alternate)
Estonia	L. Puur (member) (alternate vacant)
Spain	J. A. Sobrino Maté (member) B. M. Rodriguez Sendon (alternate)
European Commission	B. Van Goethem (member) D. André (alternate)
Finland	T. Hietaranta (member) H. Kortemaa (alternate)
France	A.C. Cotillon (member) (until 8.2022) E. Koen (member) (since 8.2022) M. Omrani (alternate)
Greece	S. Kosmas (member) A. Georgoula (alternate)
Croatia	I. Delic (member) Z. Cegur (alternate)
Hungary	Z. Csurös (member) K. Miklo (alternate)
Ireland	M. Moloney (member) E. Hyland (alternate)
Italy	I. Ivana Pugliese (member) (until 4.2022) A. Faraci (member) (since 7.2022) (alternate vacant)
Lithuania	S. Juciuvienė (member) (until 1.2022) R. Pievikiene (member) (until 8.2022) R. Zuikienė (member) (since 8.2022) (alternate vacant)
Luxembourg	M. Weyland (member) F. Kraus (alternate)
Latvia	I. Ovsjannika (member) D. Bajale (alternate) (since 3.2022)
Malta	M. Delia (member) M. Cardona (alternate)
Netherlands	M. Valstar (member) B. Scholte (alternate)

Members of the Administrative Council

Poland	H. Bujak (member)
	M. Behnke (alternate)
Portugal	A. P. Cruz de Carvalho (member)
	T. Afonso (alternate)
Romania	M. Popescu (member)
	M. Ciora (alternate)
Sweden	J. Weibull (member)
	C. Knorpp (alternate)
Slovenia	J. Ileric (member)
	J. Cvelbar (alternate)
Slovakia	K. Hanzelyova (member)
	M. Jakubova (alternate)

6. ORGANISATION OF THE CPVO



CPVO headquarters, Angers, France

On 31 December 2022, the CPVO employed 52 statutory staff. On February 2022, Mr. Francesco Mattina has been appointed as President of the CPVO with a mandate of 5 years. The CPVO is organised internally into four units:

- Plant Variety Expertise (former Technical Unit)
- People & Resources (former Administrative Unit)
- Digital Transformation (former IT Unit)
- Legal and Governance Affairs (former Legal Service)

The CPVO is supported as well by a Quality Audit Service (QAS) team leader, who is responsible for the quality auditing of EOs. This service is under the administrative responsibility of the president while being independent of its audit operations. A communication manager, a senior adviser on technical matters and R & D projects as well as the head of task force for building & projects are also reporting directly to the president.

When looking at the main tasks of the Units, the Plant Variety Expertise Unit oversees the general coordination of the various technical sectors of the CPVR system; reception and checking of applications for protection; organisation of technical examinations or takeover of DUS reports; examinations of variety denominations; granting of CPVRs and dealing with official technical publications.

The scope of this Unit also includes the relationships with applicants, national offices, stakeholders, and international organisations on technical matters; as well as active participation in international committees of technical experts, cooperation in the development of technical analysis and studies intended to improve the system (namely CPVO R & D projects). The Unit provides advice to the Member States in relation to a variety of denomination proposals received within the framework of national listings and national plant breeders' rights.

The People & Resources Unit is structured in three sectors:

- Human Resources: it deals with the management of the CPVO's Human Resources in compliance with the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the EU as well as ideating and running several HR projects to face the future challenges of the Agency.
- Accounting: it is responsible for the management of financial transactions, assets and depreciations management, treasury management, maintenance of the budgetary and general accounts, and preparation of budgets and financial documents. An important core task of the team is the management of the fee system and participation in internal and external audits and the information technology (IT) projects.
- Internal control: it is in charge of the coordination of internal and external audits, as well as the reporting of the activities of the CPVO to the European Commission.

The Digital Transformation Unit leads the digital transformation of the CPVO and ensures that the CPVO runs smoothly in terms of computing. Its tasks include the analysis of the

CPVO's hardware and software requirements; design, development, and installation of new programs specific to the CPVO; development and maintenance of the CPVO's websites. The Unit has a key role in ensuring the security of the computer system (Cyber Security); running the helpdesk; and inter-institutional cooperation in computing.

The Legal and Governance Affairs Unit provides legal advice to the president and other staff members of the CPVO, in principle on any legal matters related to the CPVR system, but also on questions of administrative nature. The staff members of this Unit participate in various CPVO committees, thus ensuring that EU procedures and legislation are complied with. The Unit manages the administration of objections to applications for CPVR; as well as nullities and cancellations and other legal proceedings, representation of the CPVO before the Board of Appeal and the Court of Justice of the European Union, and provides the secretariat of the CPVO's Board of Appeal.

As from 2022, the Legal and Governance Affairs Unit is responsible for the keeping of the CPVO registers of applications and granted rights. Under the remit of the Legal and Governance Affairs Unit is public procurement and the administration, management, and monitoring of the CPVO's inventory of movable property and buildings.

The Communication Sector, which was integrated into the presidency in 2020, is responsible for communication and outreach activities, including media and public relations, publications, and events.

The data protection officer (DPO) role is outsourced and managed through a service-level agreement with EUIPO, with the support of a CPVO data protection coordinator.

In 2022, five trainees joined the CPVO under the traineeship procedure which allows university graduates to gain experience in the CPVO for a period of 12 months.

A Seconded National Expert (SNE) was recruited on 1st November 2022, for a period of 9 months (i.e., until 31 July 2023), and an IT external consultant employed by a subcontractor is also present at the CPVO (on a half-time basis).

Finally, as of the 16th of September, the HR Team counted on a new member, notably, an HR Talent Expert who had the responsibility to work directly in the development and delivery of the new CPVO HR Strategy and Competency Maps.

Trainees at the CPVO in 2022

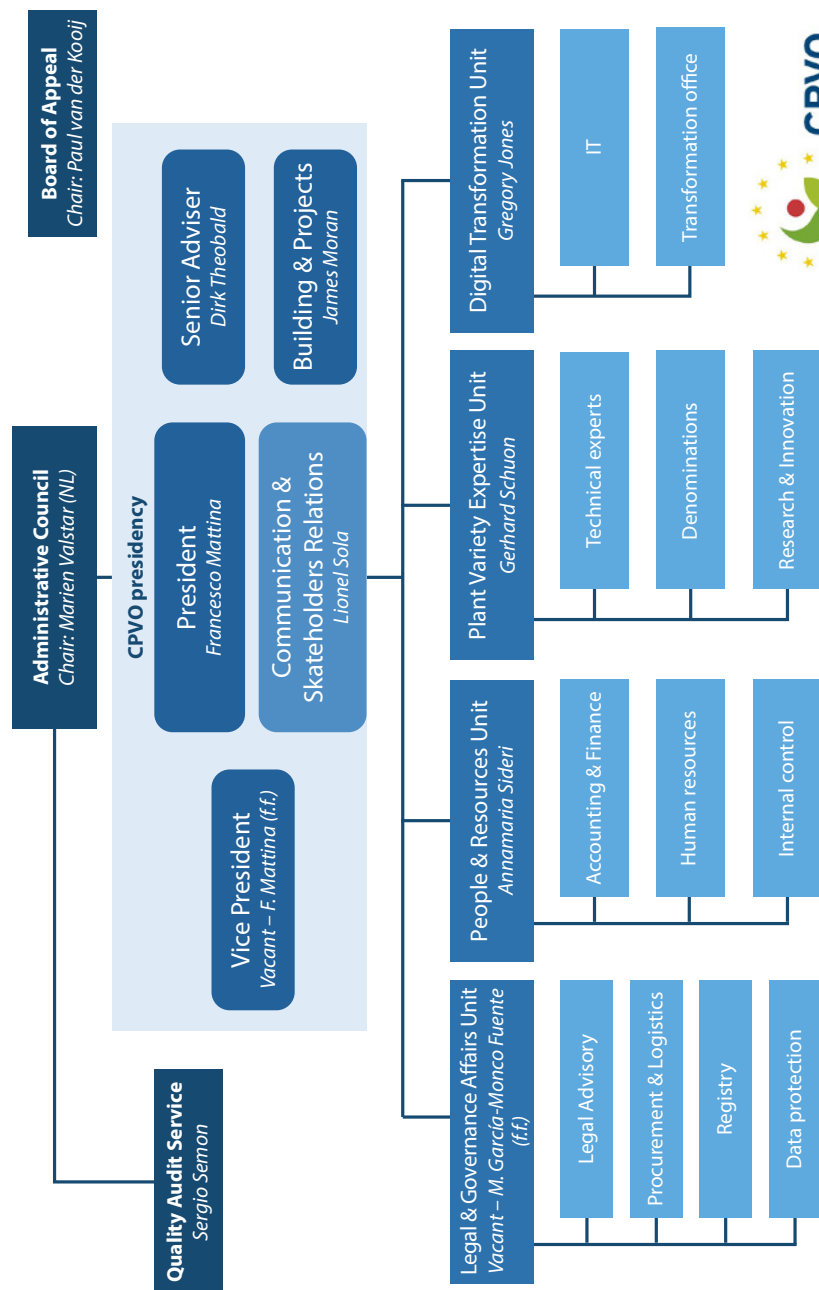
Name	Title	Unit
Dimitrios Stappas – DPO & Registry	Trainee	Legal Unit
Santiago Alberola Belando - Legal Service	Trainee	Legal Unit
José Aragones Catala - LS & HR	Trainee	Legal Unit
Carolina Sanchez Caminal-Media & Public affairs	Trainee	Communication
Riccardo Zanetti - Online & Multimedia	Trainee	Communication

External staff at the CPVO in 2022		
Maël Godar (half time)	External consultant	Administration Unit (IT sector)
Zsófia Czakó	SNE	Plant Variety Expertise Unit

Since 2017, the social report has been integrated as a chapter in the 'Consolidated Annual Activity Report' (CAAR) that is included in the reports section on the CPVO website. In relation to 2022, the CAAR duly presented information on the staff members' situation and Human Resources matters.

The CPVO social reports from 2006 to 2016 can be consulted on the CPVO website ('About us/What we do/Reports/ Social Report').

ORGANISATION CHART OF THE CPVO



CPVO organisation chart 31/12/2022

CPVO STAFF MEMBERS

PRESIDENCY

President	Francesco Mattina
Senior Adviser	Dirk Theobald
Head of Task Force Building and projects	James Moran
Communication officer	Lionel Sola
Communication assistant	Isabelle Lanteri

LEGAL and GOVERNANCE AFFAIRS UNIT

Head of Unit (ad interim)	Montserrat García-Moncó Fuente
Legal Affairs	Orsola Lamberti
Legal Affairs	Angela Martinez Lopez
Legal Officer	Sara Piva
Secretariat Board of Appeal	Fabienne Santoire
Administrative assistant	Anne Gardener
Paralegal officer	David Jan Bosschaert
Procurement and Logistics	Véronique Doreau
Procurement and Logistics	Fabienne Santoire
Procurement and Logistics	Manuel Teixeira
Procurement and Logistics	Thierry Cluzeau
Registry	Nadège Grantham
Registry	Pierre-Emmanuel Fouillé
Registry	Giulio Serafino

PEOPLE and RESOURCES UNIT

Head of Unit	Annamaria Sideri
Accounting & Finance	Anne-Marie Fernandez
Accounting & Finance	Ekaterina Mantziaris
Accounting & Finance	Christophe Yakovleff
Accounting & Finance	Paul Bodero
Evaluation/Internal Audit and Control	Anna Verdini
HR Talent Expert	Tiago Sousa
Human resources assistant	Cyrille Antoine
Human resources assistant	Valérie De Caestecker
Human resources assistant	Laurence Dumont

DIGITAL TRANSFORMATION UNIT

Head of Unit	Gregory Jones
Information technology	Sébastien Beugnier
Information technology	Laura Naie
Information technology	Marc Rouillard
Information technology	Juan Manuel Sanchez Navas
Information technology	Ioannis Krommydas
Information technology	Lucas Benvegna Zambon

PLANT VARIETY EXPERTISE UNIT	
Head of Unit	Gerhard Schuon
Deputy Head Unit	Jean Maison
Assistant to the Head of Unit	Aline Noguès
Biomolecular techniques	Cécile Collonnier
Denominations	Carole Bonneau
Denominations	Rudi Caes
Denominations	Bénédicte Legrand
Fruit and ornamental species	Urszula Braun-Młodecka
Ornamental species	Laetitia Denécheau
Ornamental species	Jens Wegner
Vegetable species	Céline Morineau
Agricultural and vegetables species	Bronislava Bátorová
Technical Unit assistant	Ghislaine Guilbert
Technical Unit assistant	Laurence Théodore
Technical Unit assistant	Deirdre Killeen
QUALITY AUDIT SERVICE (QAS)	
Quality Audit Team Leader	Sergio Semon

NB: The above organisation chart comprises the staff of the CPVO employed as officials, temporary and contract agents on 31 December 2022.

7. QUALITY AUDIT SERVICE

The QAS implements the CPVO's quality audit programme. It carries out regular assessments at EOs to check whether they fulfil the entrustment requirements when testing candidate varieties against the DUS criteria. The assessments relate to any work in relation to DUS activities for species within the scope of entrustment of the Examination Offices.



Sergio Semon, QAS Team Leader of CPVO_Apple DUS trials

7.1. Assessment of examination offices

The QAS completed the 2019-2022 assessment cycle at the end of the year having undertaken a total of nine on-site assessment exercises in 2022. There was a total of 25 non-conformities and 12 observations in the nine QAS assessments carried out on examination offices in 2022. Corrective action measures were initiated in response to these, most of which could be remedied within a reasonable time frame by the examination offices in question. The most common theme continues to be incomplete variety collections and issues related to these, such as not taking into account certain varieties of common knowledge within the inventory, etc. The QAS also found issues in relation to the use of technically qualified bodies (TQB) by entrusted examination offices.

There were two positive entrustment recommendations made to the members of the CPVO Administrative Council in April 2022 based on the assessments which were able to be completed in autumn 2021. A further six positive entrustment recommendations were made to the AC in October 2022 based upon QAS assessment exercises undertaken during the first half of the year.

7.2. Audit programme

In the beginning of 2022, the Administrative Council adopted the Revised Entrustment Requirements which came into force on 1 January 2023, thereby allowing entrusted examination offices at least 12 months to adjust their working processes before the first assessment exercises on the new cycle commence in spring 2023.

Throughout the 2019-2022 assessment cycle, a total of 31 technical experts were utilised by QAS, including those involved in outreach activities outside the EU. The rigorous work ethic applied by QAS meant that neither in 2022 nor during the rest of the assessment cycle, there were any complaints which had to be referred to the Audit Advisory Board.

Table 2: List of QAS qualified technical experts for the 2019-2022 cycle

Technical expert		Organisation	Member State	Crop sector	Already a technical expert in 2015-2018
Bašta	Ľubomír	Central Controlling and Testing Institute in Agriculture (UKSUP)	SK	agricultural	Yes
Bimova	Pavla	Central Institute for Supervising and Testing in Agriculture (ÚKZÚZ)	CZ	agricultural	No
Bonthuis	Henk	Retired	NL	agricultural	Yes
Bravi	Romana	CREA - Plant Protection and Certification (DC) Research Centre	IT	vegetable	No
Cechova	Lydie	ÚKZÚZ	CZ	agricultural	No
Chatzigeorgiou	Alexandra	Ministry of Rural Development and Food	EL	agricultural, vegetable	Yes
Christien	Stéphanie	GEVES	FR	ornamental, vegetable	No
Corbel	Anne-Lise	GEVES	FR	agricultural	Yes
Corsi	Giovanni	CREA-DC	IT	agricultural	No
de Greef	Henk	Retired	NL	ornamental, vegetable	Yes
De Salvador	Flavio Roberto	Retired	IT	fruit	No
Diaz Morant	Miguel	Spanish Plant Variety Office (OEVV)	ES	agricultural	Yes
Dimitrov	Diliyan	Executive Agency for Variety Testing, Field Inspection and Seed Control	BG	agricultural, vegetable	No
Dugalic	Ivana	Croatian Centre for Agriculture, Food and Rural Affairs	HR	agricultural	Yes
Escolano García	Antonio	OEVV	ES	agricultural, vegetable	Yes
Giulini	Anna	CREA-DC	IT	agricultural	No
Haegens	Raoul	Naktuinbouw	NL	ornamental, vegetable	No
Hoffman	Marco	Naktuinbouw	NL	fruit, ornamental	No
Kowalczyk	Bogna	Coboru	PL	agricultural, vegetable	Yes
Lawaetz	Erik	Tystofte Foundation	DK	agricultural	No
Leclair	Clarisse	GEVES	FR	agricultural	Yes
Márkné Déak	Szilvia	NÉBIH	HU	fruit, ornamental	No
Menne	Andrea	BSA	DE	ornamental	Yes
Miceli	Claudia	CREA-DC	IT	agricultural	No
Riemer	Karin	BSA	DE	agricultural, ornamental	Yes
Schulte	Erik	BSA	DE	fruit	Yes
Sicard	Georges	GEVES	FR	agricultural, vegetable	No
Szani	Zsolt	NÉBIH	HU	agricultural, fruit	Yes
Taferner-Kriegl	Jutta	AGES	AT	agricultural	Yes
Tams	Swenja	BSA	DE	agricultural, fruit, ornamental, vegetable	Yes
Titone	Patrizia	CREA-DC	IT	agricultural	No
Urquia Fernandez	Nuria	OEVV	ES	fruit	No
van Dijk	Amanda	Naktuinbouw	NL	ornamental, vegetable	No
van Leeuwen	Marian	Naktuinbouw	NL	vegetable	No

At the end of the year, the QAS launched the call for tender to renew the list of technical experts for the 2023- 2025 assessment exercise, and a total of 32 technical experts were subsequently approved by the Administrative Council. All these experts will undergo specialised training in auditing principles and practices in mid-March 2023. The course will be held at the premises of the European Banking Authority (EBA) in Paris (FR), thereby creating synergies between the CPVO and another EU decentralised agency.

In order to promote the quality audit programme of the CPVO and the entrustment process of EU examination offices, an online webinar was carried out by the QAS in February 2022 in conjunction with EUIPO.

Finally, in the framework of CPVO's international relations strategy and following the expressed interest by plant variety protection authorities, the CPVO's entrustment programme and related audit scheme was presented at various fora. Follow-up activities were undertaken by the QAS virtually or on-site in spring 2022 regarding the evaluation of the African Intellectual Property Organisation (OAPI) examination authorities in Cameroon, Senegal, Ivory Coast and Burkina Faso. Under the TAIEX programme, the QAS also participated in March 2022 in an on-site evaluation of the DUS testing capabilities of the Dominican plant variety rights authorities, as well as a follow-up study tour of examiners of the aforesaid country to Spain in July 2022.

8. RESEARCH AND DEVELOPMENTS PROJECTS

The purpose of this section is to provide updated information on R & D activities; on new candidate projects, projects underway, and follow-up measures taken in 2020 on projects already concluded.

8.1. Situation as regards candidate R & D projects

In 2022, no new projects were applied for co-funding.

8.2. Situation as regards ongoing projects

'Harnessing molecular data to support DUS testing in ornamentals: a case-study on *Hydrangea*.'

The project is coordinated by the Groupe d'Étude et de contrôle des Variétés et des Semences (GEVES, FR) and includes the Bundessortenamt (BSA, DE) and the Institut National de Recherche pour l'Agriculture l'Alimentation et l'Environnement (INRAe, FR) as partners.

The objective of the project is to develop an optimal molecular toolset that associates neutral and gene-specific markers within a single framework to improve the structuring and the management of the reference collection in *Hydrangeas*. A library of molecular profiles from all reference varieties will be built and used for a more efficient selection of the varieties to compare to the candidates and to secure field trials by checking the varietal identity of cuttings prepared from the collection before starting the DUS tests. In 2022, varieties were sampled, markers selected, and genotyping has been initiated.

The project has a duration of 18 months, and the results are expected in 2023.



Hydrangea

‘Updating DUS resistance tests according to pests’ evolution’

The project is coordinated by GEVES (FR) and includes the EOs: Naktuinbouw (NAKT, NL), the National Institute for Agricultural and Food Research and Technology (INIA (ES)), the Council for Agricultural Research and Agricultural Economics Analysis (CREA (IT)); the breeding companies: BASF, Bayer, Enza Zaden, Gautier Semences, HM Clause, Rijk Zwaan, Sakata, Takii, Vilmorin; as well as the research institute: INRAe (FR).

The project was supposed to be divided in two separate parts, one dedicated to the development of a publicly accessible system usable for the assessment of the tolerance to ToBRFV in tomato and pepper, and the other focusing on the evaluation of melon resistance to *Aphis gossypii* with the double aim of adapting the current biotest to the predominant pathotypes and to validate the use of a biomolecular method. In 2022, progress was made on the melon biotest with the sampling and characterization of aphid clones.

The project has a duration of 36 months, and the results are expected in 2024.

‘Harmorescoll’

Harmorescoll aims at setting up, at the European level, a coordinated system to give information to interested parties on access to reference material (isolates, controls and differentials) for performing disease tests for DUS purposes according to the CPVO protocols and Protection of New Varieties of Plants (UPOV) guidelines.

Collaboration amongst EOs and seed companies affiliated with Euroseeds is key in this project. Ultimately, the system should be maintained on a self-financing basis.

In 2022, progress was made in the definition of the work model, the structure of the website and database, the inventory, description, and validation criteria of the reference material.

The project is coordinated by GEVES and Naktuinbouw. It started in 2020 and is scheduled for 3 years.

‘International validation of a SNP set to determine genetic distances for the management of tomato reference collection’

The project aims at defining a set of markers adapted to the management of the reference collections according to UPOV Model 2. It is coordinated by Naktuinbouw (NL) and involves Euroseeds and all EOs entrusted for tomato (NAKT (NL), GEVES (FR), the Research Centre for Cultivar Testing (COBORU (PL)), National Food Chain Safety Office (NÉBIH, HU), INIA-OEVI (SP), DGAV (PT) and CREA (IT)). The Beijing Sub-Center for DUS testing (CAAS) in China as well as the Korean Seed & Variety Service from the Republic of Korea and the Center for Seeds and Seedlings, NARO (NCSS) in Japan are also involved and will participate in the project on their own funding.

All European and Asian partners tested the selected single-nucleotide polymorphism (SNP) markers on a common set of varieties and on a set of varieties from their own country. The deoxyribonucleic acid (DNA) extracts from the common set were prepared by Naktuinbouw and sent to the partners for evaluation in the framework of their own procedures. Genotyping results were analysed for the selection of about 300 SNPs producing consistent genotypes by all partners for each variety.

A specific agreement defining the conditions of access to the material have been signed by the consortium of partners and consents have been requested from the owners of all the varieties concerned. This last step took more time than expected and an extension of the project until 2023 was accepted. Thus, the project which started in Dec 2019 will last 30 months (24 months initially + 6 months extension).

If successful, a follow-up project could be built for the characterization of the whole collections.

‘DURDUS tools - Integration of molecular data into DUS testing in durum wheat’

The project DURDUS tools is coordinated by the Austrian Agency for Health and Food Safety (AGES) and partners in the project are the EOs INIA-OEVI (ES) CREA-DC (IT) NÉBIH (HU) as well as Euroseeds. It is a follow-up of the DURDUS project which aimed at setting up a centralised genotyping procedure using microarray data from a service provider in Austria to describe the genetic diversity of the reference collections of all entrusted EOs and defining a threshold to use genetic distances for the management of these collections.

The DURDUS tools project was dedicated to consolidating the choice of the threshold and to set up a common online molecular database managed by AGES and an online interface with a press-button genetic distance calculation tool allowing the partners to select comparators for the field without handling any molecular profiles.

This system was tested by the participating EOs when setting up their routine DUS growing trials. Experts considered the tool as useful provided that they could adapt the threshold to the level of risks they accepted to take. The project was supposed to last 2 years and end in December 2022, but some observations made at the end of the project and potentially impacting the choice of markers imposed to extend it by several months in 2023.

8.3. Finalised research and development projects

‘Developing a strategy to apply SNP molecular markers in the framework of winter oil seed rape DUS testing’



Based on a first project called “Test of the potential use of SNPs markers on oilseed rape varieties” this follow up project was approved in March 2019 for a duration of 24 months.

In the first project, GEVES (FR) and the National Institute of Agricultural Botany (NIAB (UK)) had selected and tested on different matrices a set of 500 SNPs to design reliable KasPAR assays and had confirmed the possibility to reliably use bulk samples of seeds in rapeseed.

In this project, a molecular data set on a wide number of WOSR varieties was produced in order to define an optimized SNP set. In collaboration with BSA, GEVES developed a new approach based on the use of molecular networks and tested it in the framework of the two different DUS testing systems GAIA in France and COY in Germany. The results showed that a significant decrease of the number of comparisons to grow in the fields could be envisioned both for lines and hybrids.

The conclusions of the project were presented and discussed with experts from all entrusted examination offices. The examination offices were invited to reflect on their potential participation to a second follow up project that would be submitted for evaluation in 2023. This third part of the work would extend the genotyping to the whole collections and study the potential implementation of the model in routine DUS testing.

‘Development of a single-nucleotide polymorphism (SNP) marker set in *Cannabis sativa* L. to support DUS testing’

Applications for *Cannabis sativa* L. varieties are increasing steadily, particularly those bred for pharmaceutical use. It is particularly demanding both in terms of time and money to import plant material for DUS testing of pharmaceutical varieties, which creates reluctance of titleholders to submit reference varieties. Being able to reduce the number of requests for material to compare to the candidates was the ultimate goal of the initiative.

The Naktuinbouw was the coordinator of the project with the NÉBIH (HU) as partner. The project started in 2020 for 2 years.

The project allowed to validate a SNP marker set adapted to the identification of the varieties of the reference collection. This good result allowed Naktuinbouw to subsequently set up, on their funding, a database containing molecular profiles of the whole collection and tested successfully the UPOV model 2 approach for its management.

8.4. The CPVO as a partner in the Horizon 2020 Invite project

8.4.1. Introduction

Invite (INnovations in plant Variety Testing in Europe), is one of the two laureate projects of the call SFS-29-2018 “Innovations in plant variety testing” of the Horizon 2020 program. It aims at improving efficiency of variety testing and availability of information to stakeholders on variety performances under diversified production conditions and on biotic and abiotic stresses for 10 crops (seven “model” crops: maize, wheat, rye grass, sunflower, potato, tomato, apple and three “application crops”: lucerne, soybean, rapeseed).

It addresses DUS and performance testing in a balanced way and intends to maximise synergies between them through related activities based on phenotyping, genotyping, modelling and database management.

The Consortium includes 29 partners from the areas of research, breeding, DUS examination and performance testing. The total amount awarded is about 8 million euros to be spent in a period of 5 years starting from 1 July 2019. CPVO will not receive any funding.

Inside the consortium, CPVO supports all tasks of the project by facilitating the exchanges between breeders, scientists and EOs and contributing to the respect of Examination Offices’ expectations and needs. The CPVO has also the role of co-leader of WP5 whose major objective is the testing and implementation of new tools by EOs. Finally, the CPVO is in charge of managing all issues related to the access to historical raw data and reference materials held by the examination offices.

8.4.2. New developments

In 2022, the technical work continued steadily for all crops with significant advances in the development of molecular and phenotyping tools, predictive models and new field-testing protocols.

The third annual meeting, hosted by AGES, was organized in Vienna in April 2022. This was the first face-to-face meeting since the kick-off meeting in 2019, due to the COVID-19 pandemic. About one hundred participants were present during this 3-days event where the results obtained so far were thoroughly discussed. At this occasion, a techno show was organised to present some of the phenotyping tools developed by Invite (e.g., systems for apple counting in orchards, post-harvest apple shape analysis, post-harvest tomato analysis, etc.), as well as other devices and services proposed by commercial guests.

The second periodic technical report covering the work performed between 01 January 2021 and 30 June 2022 (M19-M36) was produced and sent to the Commission’s reviewers to serve as a basis for the upcoming second evaluation of the project.

The collaboration with InnoVar (second laureate consortium of the SFS-29-2018 call, focused on optimizing variety testing in wheat) continued. Data were collected in the common wheat trials and their analysis was initiated. Representatives were invited to participate to the Imoddus meeting in 2022.



Solanum tuberosum, in vitro variety collection



Solanum tuberosum, light sprout

9. BUDGET

9.1. Out-turn

The net outturn for the year was approximately EUR 0.29 million negative, a significant decrease compared to the previous year showing a net outturn of EUR 2.12 million positive.

The budget outturn for 2022 significantly decreased compared to 2021 due to a combined increase in expenditures and decrease in income. In 2022, the progressive return to normal after COVID-19 pandemic led to a natural increase of related expenditures (travels, missions, meetings). An unprecedented level of inflation also explained the high level of expenditures (energy, staff statutory requirements).

Table 3

Net out-turn for the year 2022	(million EUR)
Budgetary revenue (a)	+ 18.47
Budgetary expenses (b)	- 18.84
Budgetary out-turn (c) = (a) – (b)	- 0.37
Non-budgetary receipts (d)	+ 0.08
Net out-turn for the budgetary year 2021 (e) = (c) + (d)	- 0.29

9.2. Revenue

The CPVO's revenue comprises various fees paid by applicants for CPVR and holders of the CPVR, other revenue (administrative operations), and income from interest on bank accounts. The total revenue collected in 2022 was EUR 18.47 million.

Table 4

	Variation (%)	2022 (million EUR)	2021 (million EUR)
Fees	- 4.61	18.32	19.20
Bank interest	- 12.36	0.10	0.12
Other revenue	+ 1.89	0.05	0.05
Total revenue	- 4.64	18.47	19.37

The total fees received in 2022 amount to EUR 18.32 million, representing a decrease of 4.61 % in comparison to the previous year mainly due to the decrease of the examination fees received. Annual fees increased modestly in line with the increase in the number of CPVR(s) in force. This variation mostly comes from the level of application and examination fees which have been reduced in line with the decrease in the number of applications received in 2022, and thus examinations carried out. There was a lower level of terminations of rights in 2022 than in previous years. The net increase in rights in force (new titles minus terminations of rights) was 977 in 2022 compared to 573 in 2021. We are witnessing a natural expiry of protection for some titles and the level of titles in force may *plateau* in the near future.



The increase of 1.89 % in the other revenue comes from reimbursements received from a losing party on a court case, and from reimbursements from a supplier for cancelled orders from 2021 due to sanitary measures against COVID-19 pandemic.

Bank interests continued to fall with rates at an extremely low level; furthermore, the CPVO does not accept negative interests. However, an increase came late in the year and the impact in 2022 will stay limited.

9.3. Expenditure

In 2022, the total amount of recorded expenditure and commitments carried over was EUR 18.84 million, compared with EUR 17.33 million in 2021.

Table 5

	Variation (%)	2022 (million EUR)	2021 (million EUR)
Staff expenditure	+ 9.09	8.46	7.76
Administrative expenditure	+ 22.76	1.82	1.49
Operational expenditure	+ 5.90	8.56	8.08
Total expenditure	+ 8.77	18.84	17.33

The salary is the main component of the staff expenditure. The salary grid for the staff of the CPVO, being governed by the levels set by the Council of the EU, is also subject to changes in line with inflation and career progression so the payments will continue to slightly increase.

The administrative expenditure significantly increased by 22.76 % in 2022 compared to 2021. There was an increase in IT expenses equipment for purchases of new IT hardware. The progressive return to normal after COVID-19 pandemic led to a natural increase of related expenditures: travels, missions, meetings and for audits. In addition, the CPVO decided to conduct an evaluation on cyber-security risks following the new Regulation on Cyber Security. Also, unprecedented level of inflation explained the high level of expenditures.

Operational expenditure consists mainly of remuneration for Eos. There is a slight increase due to the natural increasing number of applications undergoing examinations (DUS) testing. Also, several payments of R & D projects were postponed from 2021 to 2022 which explains the increase in studies expenditures. Finally, several ongoing appeals reviewed during the year 2022 led to a justified increase in legal costs (remuneration of members of Board of Appeal, hearings, meetings, committees).

9.4. Conclusion

As mentioned at the beginning, the net result, in 2022, significantly decreased compared to 2021. This was an expected situation due to inflation and the new expense in IT to cope with the new Regulation on Cyber security. It has to be noted also a return to 'normal' for expenditure levels after the COVID-19 crisis.

10. DEVELOPMENTS IN THE SYSTEM

10.1. Technical

10.1.1. Applications for Community plant variety protection

In 2022 the CPVO received 3 193 applications for Community plant variety protection (PVP), which represents a decrease of 8.2 % compared to the previous year. Figure 1 shows the evolution of the number of applications received by the CPVO (all figures are based on the date of arrival of the application documents at the CPVO).

Figure 1

Evolution of the annual number of applications for Community plant variety protection (2013-2022)

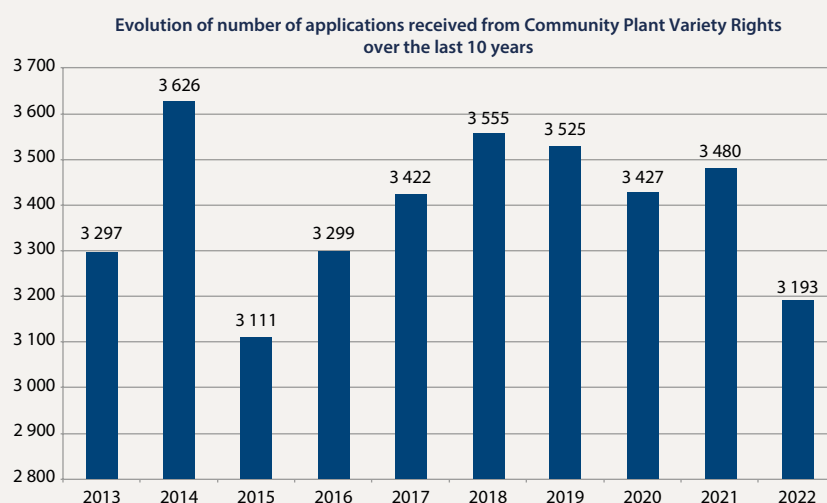


Figure 2 represents the shares of the crop sectors in relation to the number of applications received in 2022.

Figure 2

Shares of applications per crop sector in 2022

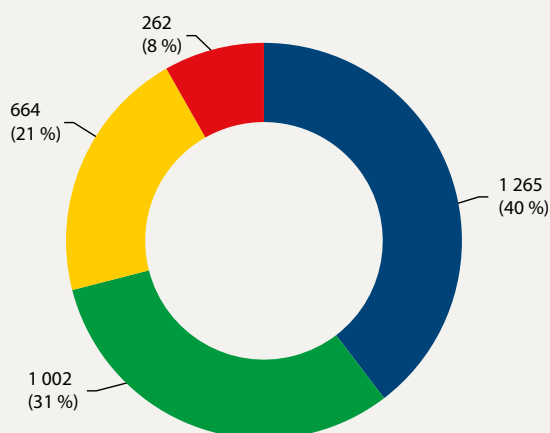
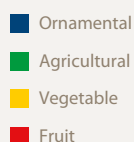
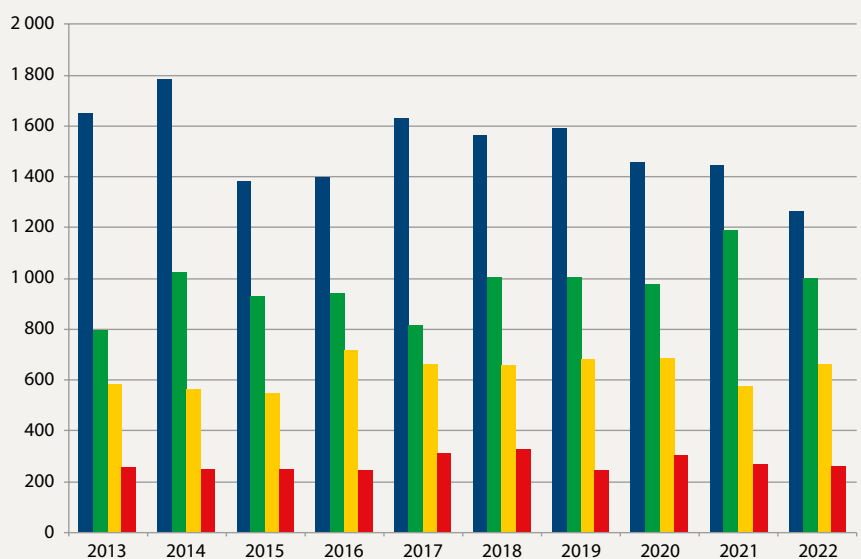


Figure 3 shows the evolution of the number of applications per crop sector since 2013. Despite the fact that the total number of applications shows only minor variation from year to year, the variation within the four crop sectors may be more important. In 2022, the CPVO observed a decrease in application numbers in the agricultural sector with – 188 applications (- 15.8 %), in the ornamental sector with – 180 applications (- 12.5 %), and in the fruit sector with - 5 applications (- 1.9 %), whereas the vegetable sector showed an increase in the application number with + 86 applications (+ 14.9 %).

Figure 3
Evolution of the number
of applications per crop sector
since 2013

■ Ornamental
■ Agricultural
■ Vegetable
■ Fruit



Applicants

In 2022, 577 applicants filed applications for the CPVRs, 76 less than in the previous year. The following tables list, for each crop sector, the 15 most frequent users of the Community system and their respective numbers of applications filed in 2022. These top 15 applicants have a relative share of applications ranging, similarly to last year, from 87 % for vegetables, 58 % for agricultural and 39 % for fruit species, to 38 % for ornamentals species. This range not only reflects the degree of concentration in breeding, which is particularly advanced in the vegetable sector but also shows that, in the case of ornamentals, a great number of ‘small’ breeders are in business and seeking protection for their varieties. The figures do not take into account possible controlling agreements between companies; the actual level of concentration may thus be higher.

Table 6: Agricultural sector

Top 15 applicants	Country	Number of applications in 2022
RAGT 2n S.A.S.	France	92
KWS SAAT SE & Co. KGaA	Germany	85
Limagrain Europe S.A.S.	France	66
Lidea France S.A.S.	France	65
Pioneer Overseas Corporation	United States	53
Deutsche Saatveredelung AG	Germany	41
Syngenta Crop Protection AG	Switzerland	39
Monsanto Technology LLC	United States	29
Benson Hill Seeds Inc.	United States	25
Pioneer Hi-Bred International Inc.	United States	22
KWS Momont Recherche S.A.R.L.	France	21
Lantmännen ek för	Sweden	20
Mas Seeds S.A.	France	18
Soltis S.A.S.	France	17
DANKO Hodowla Roślin Sp. z o.o.	Poland	16
Total		609

Table 7: Vegetable sector

Top 15 applicants	Country	Number of applications in 2022
Rijk Zwaan Zaadteelt en Zaadhandel B.V.	Netherlands	139
Syngenta Crop Protection AG	Switzerland	93
Enza Zaden Beheer B.V.	Netherlands	77
Nunhems B.V.	Netherlands	66
Monsanto Vegetable IP Management B.V.	Netherlands	63
HM.Clause S.A.S.	France	37
Vilmorin-Mikado S.A.S.	France	26
Sakata Vegetables Europe S.A.S.	France	23
van Waveren Saaten GmbH	Germany	17
Graines Voltz S.A.	France	12
Semsearch B.V.	Netherlands	9
Sur Seeds S.L.	Spain	8
Bejo Zaden B.V.	Netherlands	7
A.L. Tozer Ltd.	United Kingdom	6
Hazera Seeds Ltd.	Israel	6
Total		589

Table 8: Fruit sector

Top 15 applicants	Country	Number of applications in 2022
Rústicas del Guadalquivir S.L.	Spain	13
Florida Foundation Seed Producers Inc. (FFSP Marianna Office)	United States	11
PSB Producción Vegetal S.L.	Spain	10
V.I.F. S.A.R.L.	France	10
Plantas de Navarra S.A. (PLANASA) - Sociedad Unipersonal	Spain	7
Sun World International LLC	United States	7
Agromolinillo Sociedad Cooperativa Andaluza	Spain	7
Costa Berry International (Pty) Ltd.	Australia	7
The Board of Trustees of the University of Arkansas	United States	6
Angus Soft Fruits Ltd.	United Kingdom	6
Agro Selections Fruits S.A.S.	France	6
Fresh Forward Holding B.V.	Netherlands	6
Zouk B.V.	Belgium	5
Allberry B.V.	Netherlands	5
Arofa S.L.	Spain	5
Total		111

Table 9: Ornamental sector

Top 15 applicants	Country	Number of applications in 2022
Dümmen Group B.V.	Netherlands	84
Anthura B.V.	Netherlands	56
Piet Schreurs Holding B.V.	Netherlands	45
Josef Heuger	Germany	38
Floricultura B.V.	Netherlands	38
De Ruiter Intellectual Property B.V.	Netherlands	33
Ball Horticultural Company	United States	31
Deliflor Royalties B.V.	Netherlands	26
Walters Gardens Inc.	United States	26
Poulsen Roser A/S	Denmark	25
Van Zanten Breeding B.V.	Netherlands	25
Microflor N.V.	Belgium	24
Meilland International S.A.	France	19
Klemm + Sohn GmbH & Co. KG	Germany	18
Dekker Breeding B.V.	Netherlands	18
Total		506

Applicants from outside the EU must appoint a representative with a registered office or domicile within the EU to handle their applications. Sometimes, mother companies located outside the EU appoint their daughter company in the EU; this is the case for Pioneer or Syngenta. EU applicants do not have such an obligation; however, some of them prefer to outsource the application procedure to an external agent. In 2022, 1 340 applications (41.9 %) were filed by 138 procedural representatives. The following table lists the 15 most active procedural representatives for 2022, having submitted 868 applications.



Table 10

Name of procedural representative	Country	Number of applications in 2022
Royalty Administration International C.V.	Netherlands	266
Syngenta Seeds B.V.	Netherlands	105
Pioneer Génétique S.A.R.L.	France	64
Plantipp B.V.	Netherlands	58
Reinhild Elligsen	Germany	52
Syngenta France S.A.	France	51
Ronald Houtman Sortimentsadvies	Netherlands	50
Hortis Holland B.V.	Netherlands	41
Limagrain Europe S.A.S.	France	34
HJF Advocaten B.V.	Netherlands	29
New Variety B.V.	Netherlands	27
Limagrain Europe S.A.S.	France	26
Breederplants V.O.F.	Netherlands	25
Bayer Seeds S.A.S.	France	22
Algemeen Octrooi en Merkenbureau B.V.	Netherlands	18
Total		868

10.1.1.1. Ornamental species

With 40 % of the applications received in 2022, ornamentals continue to represent the largest group of applications filed for CPVRs, with a decrease of applications (-12.46 %) compared to the previous year.

A particularity of ornamentals is the great diversity of species. In all years, there were for many of them a rather low number of applications per species.

Table 11: Number of applications received per year for all ornamental species since 2018, with a total covering 1995-2022

	2018	2019	2020	2021	2022	Total (1995-2022)
All ornamental species	1 564	1 592	1 458	1 445	1 265	41 342

Table 12 shows the 10 major ornamental crops over the last 5 years. Changes in the number of applications of most of these crops seem to be rather accidental. Roses and *Phalaenopsis* Blume and x *Doritaenopsis* hort. were by far the most significant species in 2022.

Table 12: Number of applications received for the 10 major ornamental species groups from 2018 to 2022, with a total covering 1995-2022

Species	2018	2019	2020	2021	2022	Total (1995-2022)
<i>Rosa</i> L.	242	175	174	168	200	5 170
<i>Chrysanthemum</i> L.	140	121	78	83	83	3 989
<i>Phalaenopsis</i> Blume and x <i>Doritaenopsis</i> hort.	112	153	108	130	102	1 716
<i>Calibrachoa</i> Llave & Lex. and <i>Petunia</i> Juss.	60	46	67	65	33	1 664
<i>Lilium</i> L.	35	21	14	36	18	1 389
<i>Gerbera</i> L.	54	44	18	29	15	1 256
<i>Dianthus</i> L.	35	40	48	38	15	1 156
<i>Impatiens</i> L.	12	16	12	9	10	1 025
<i>Anthurium</i> Schott	15	30	22	13	40	914
<i>Hydrangea</i> L.	51	46	36	53	22	734
Total	756	692	577	624	538	

The CPVO may base its decision to grant the CPVRs on a technical examination carried out under a previous application for either plant breeders' rights (PBR) or national listing and where the DUS examination has been carried out at an entrusted EO. Such a takeover of reports concerns less than 5 % of ornamentals, which is a considerably lower percentage than for the vegetable or agricultural sectors and is due to the absence of any requirement for listing before commercialising ornamental varieties.



Impatiens L.



Chrysanthemum L.

10.1.1.2. Agricultural species

The year 2022 showed a substantial decrease (-15.80%) of applications in comparison with 2021. In 2022 agricultural varieties represented 31 % of all applications.

Table 13 shows the number of applications received per year over all agricultural species since 2018, as well as the total figure for the years 1995 to 2022.

Table 13: Number of applications received per year for all agricultural species since 2018, with a total covering 1995-2022

	2018	2019	2020	2021	2022	Total (1995-2022)
All agricultural species	1 007	1 004	978	1190	1002	20 285



Hordeum vulgare L.



Helianthus annuus

Table 14 shows the number of applications for the 10 major agricultural species for the last 5 years.

Table 14: Number of applications of the 10 major agricultural species from 2018 to 2022, with a total covering 1995-2022

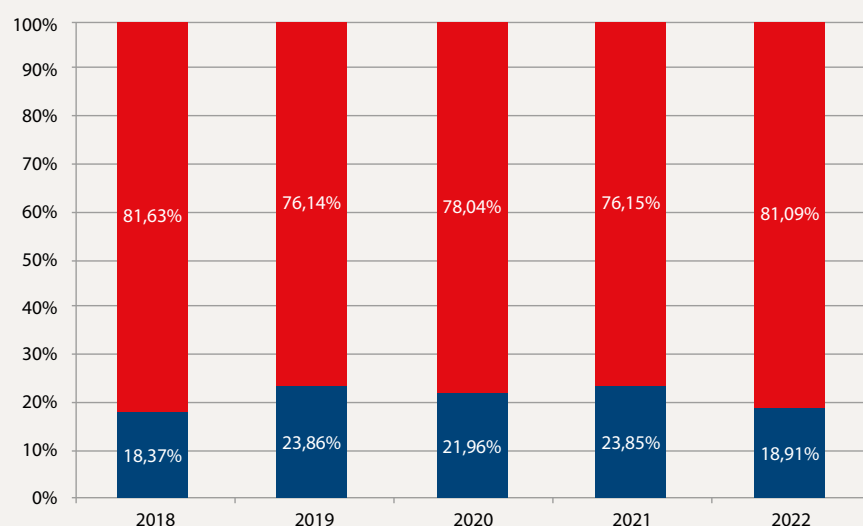
Species	2018	2019	2020	2021	2022	Total (1995-2022)
<i>Zea mays</i> L.	262	229	173	325	217	5 725
<i>Triticum aestivum</i> L. emend. Fiori & Paol.	152	150	133	124	141	2 572
<i>Brassica napus</i> L. emend. Metzg.	103	120	149	92	107	2 028
<i>Solanum tuberosum</i> L.	84	68	72	72	59	1 936
<i>Hordeum vulgare</i> L.	93	100	75	56	83	1 680
<i>Helianthus annuus</i> L.	59	40	55	135	68	1 367
<i>Lolium perenne</i> L.	19	46	19	20	30	473
<i>Triticum turgidum</i> L. subsp. <i>durum</i> (Desf.) Husn.	22	13	25	25	16	418
<i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>saccharifera</i> Alef. (syn. <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>altissima</i> Döll)	19		11	6	13	406
<i>Cannabis sativa</i> L.	44	61	89	104	50	394
Total	857	827	801	959	784	

The order of the species has remained unchanged; cannabis appears for the second time in the top 10 species, replacing triticale. Noticeable decreases were observed in maize and sunflower.

The ratio of takeover of reports to technical examinations continues on a slight upwards trend in respect of technical examinations, accounting for almost one quarter.

Figure 4
Evolution of the percentage of the ratio of technical examinations to takeovers of DUS reports in the agricultural sector (2018-2022)

■ Technical examinations
■ Takeovers



10.1.1.3. Vegetable species

The year 2022 showed a 14.88 % increase in the number of applications in comparison with the previous year. Vegetable varieties represented 21 % of all applications in 2022, which is closer to the long-term average for the sector.

The distribution of applications in vegetable species in recent years is displayed in Table 15.

Table 15: Number of applications received per year for all vegetable species since 2018, with a total covering 1995-2022

	2018	2019	2020	2021	2022	Total (1995-2022)
All vegetable species	659	683	688	578	664	11 710

Table 16 shows the number of applications for the 10 major vegetable species for the last 5 years.

Table 16: Number of applications for the 10 major vegetable species from 2018 to 2022, with a total covering 1995-2022

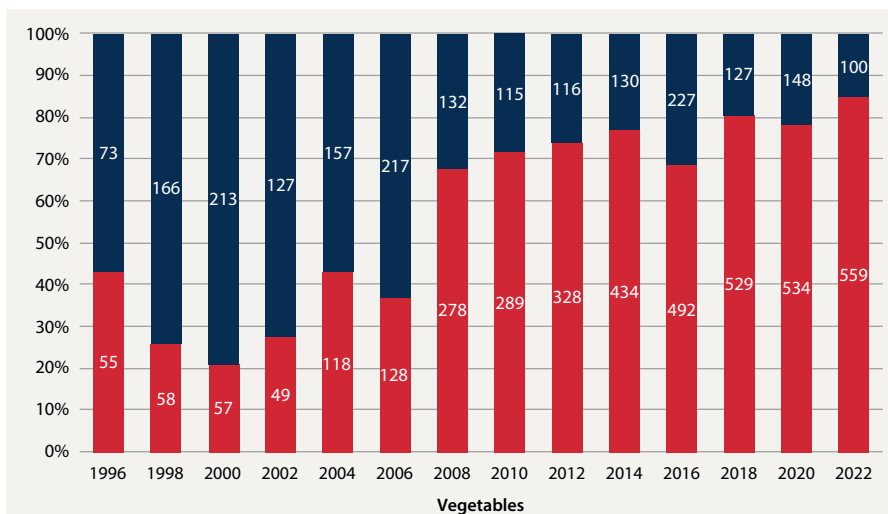
Species	2018	2019	2020	2021	2022	Total (1995-2022)
<i>Lactuca sativa</i> L.	248	180	230	166	160	3 250
<i>Solanum lycopersicum</i> L.	115	149	90	107	141	1 832
<i>Capsicum annuum</i> L.	47	61	59	44	71	809
<i>Cucumis melo</i> L.	30	64	47	43	40	662
<i>Phaseolus vulgaris</i> L.	27	12	27	20	22	589
<i>Pisum sativum</i> L.	28	28	27	22	35	574
<i>Cucumis sativus</i> L.	37	21	33	38	32	538
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i>	7	4	17	5	9	270
<i>Allium cepa</i> (Cepa group)	6	10	17	17	6	241
<i>Spinacia oleracea</i> L.	14	6	15	9	14	235
Total	559	535	562	471	530	

For vegetable applications received in 2022, the CPVO requested 100 technical examinations to be carried out on its behalf and took over 559 technical reports from national authorities (Figure 5).

Figure 5

Evolution of the number of applications and the percentage of the ratio of technical examinations to takeovers of DUS reports in the vegetable sector (1996-2022) (every other year shown)

■ Technical examinations
■ Takeovers



Phaseolus vulgaris L.



Allium cepa

10.1.1.4. Fruit species

The number of fruit CPVR applications decreased in 2022 by 1.87 %. The top three species in the history of the CPVO until 2022 remained peach, strawberry and apple, the highest number of applications received in 2022 was for strawberry (50) followed by peach (41) and blueberry (34). Most applications in the fruit sector are made for 'small fruit' crops.

Table 17: Number of applications received per year for all fruit species since 2018, with a total covering 1995 - 2022

	2018	2019	2020	2021	2022	Total (1995-2022)
All fruit species	325	246	303	267	262	5 356

Table 18 shows the number of applications for the 10 major fruit species for the last 5 years.

Table 18: Number of applications for the 10 major fruit species from 2018 to 2022, with a total covering 1995-2022

Species	2018	2019	2020	2021	2022	Total (1995-2022)
<i>Prunus persica</i> (L.) Batsch	21	34	47	37	41	1 121
<i>Fragaria x ananassa</i> Duchesne ex Rozier	37	53	48	48	50	841
<i>Malus domestica</i> Borkh.	27	23	28	21	23	646
<i>Vitis</i> L.	50	14	20	29	20	388
<i>Prunus armeniaca</i> L.	42	20	37	31	34	333
<i>Vaccinium</i> L.	8	10	8	5	4	331
<i>Rubus idaeus</i> L.	22	27	24	13	28	304
<i>Prunus salicina</i> Lindl.	7	8	7	6	3	158
<i>Prunus avium</i> (L.) L.	12	8	5	13	2	156
<i>Rubus</i> subg. <i>Rubus</i>	8	5	12	23	13	134
Total	234	202	236	226	218	



Rubus idaeus L.



Vitis vinifera

10.1.1.5. Origin of the applications

Since the creation of the CPVO, applications have been received from 71 countries. Nearly every year more than one third of all applications received have originated from the Netherlands (34 % in 2022), underpinning the important role of the Dutch in the breeding sector. The Netherlands is followed, quite some distance behind, by France, Germany, the United States and Switzerland.

Table 19 gives an overview of the number of applications received from the Member States in 2022.

Table 19: Member States from which CPVR applications were filed in 2022

Member State of main applicant	Number of applications received in 2022
Netherlands	1 093
France	535
Germany	414
Spain	116
Italy	98
Denmark	83
Belgium	81
Poland	36
Austria	24
Sweden	21
Czech Republic	11
Hungary	9
Ireland	7
Slovenia	6
Greece	3
Bulgaria	2
Portugal	2
Estonia	1
Latvia	1
Total	2 543

Table 20 shows the application numbers from countries outside the EU.

Table 20: Non-EU countries from which CPVR applications were filed in 2022

Country of main applicant	Number of applications received in 2022
United States	282
Switzerland	179
United Kingdom	57
Australia	33
Japan	31
Israel	16
New Zealand	8
South Africa	8
China	7
Thailand	7
Argentina	4
Canada	4
South Korea	3
Mexico	3
Taiwan	3
India	2
Uruguay	2
Brazil	1
Total	650

10.1.2. Grants of protection

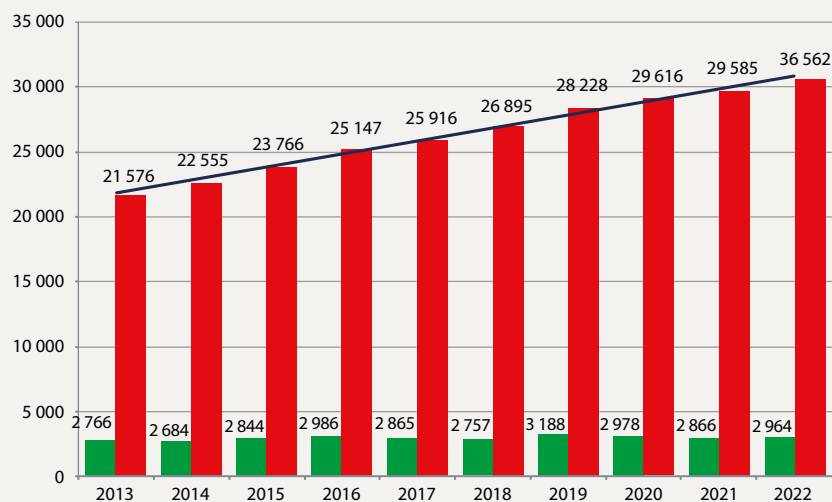
In 2022 the CPVO granted 2 964 titles for Community PVP, a drop of 3.6 % compared to 2021, which was the third highest in 25 years. As the number of applications seems to be stabilising, one may predict stable numbers of grants issued. A detailed list of all varieties under protection (as of 31 December 2022) is published on the CPVO website in the separate annex to this report.

By the end of 2022 there were 30 562 CPVRs in force. Figure 6 shows the number of titles granted each year from 2013 to 2022 and illustrates the continuous increase in the number of varieties under protection within the Community system, which is due to the fact that the number of rights terminated is still below the number of rights granted; in the long run an equilibrium can be expected.

Figure 6

CPVRs granted per year and total number of rights in force at the end of each year (2013-2022)

- Titles granted
- Rights in force at the end of each year
- Linear (Rights in force at the end of each year)

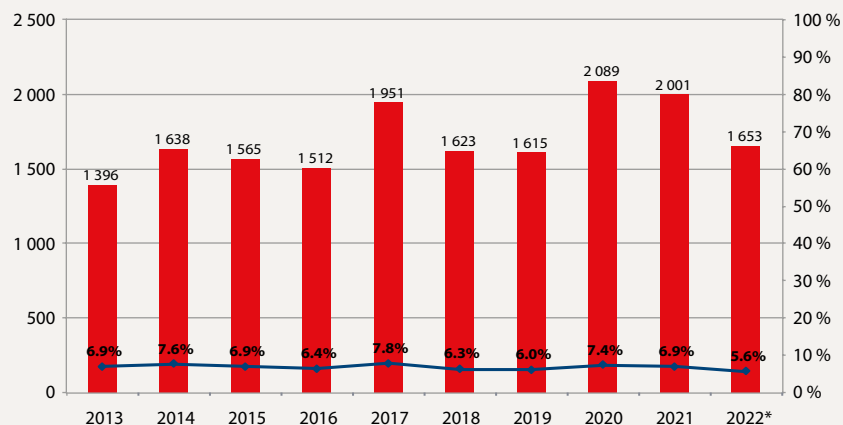


The development of the number of CPVRs in force must be seen in conjunction with the number of rights surrendered (Figure 7). The number of rights granted still greatly outweighs the number of surrenders. As older varieties are replaced by newer ones, the number of surrenders is expected to get closer to the number of grants. The regular increase in the number of surrenders is therefore not a surprise.

Figure 7

Number of surrenders of CPVRs (2013-2022)

- Number of surrenders registered
- ◆ Percentages of surrenders per year out of total number of rights in force on 31 December of previous year





Clematis L.



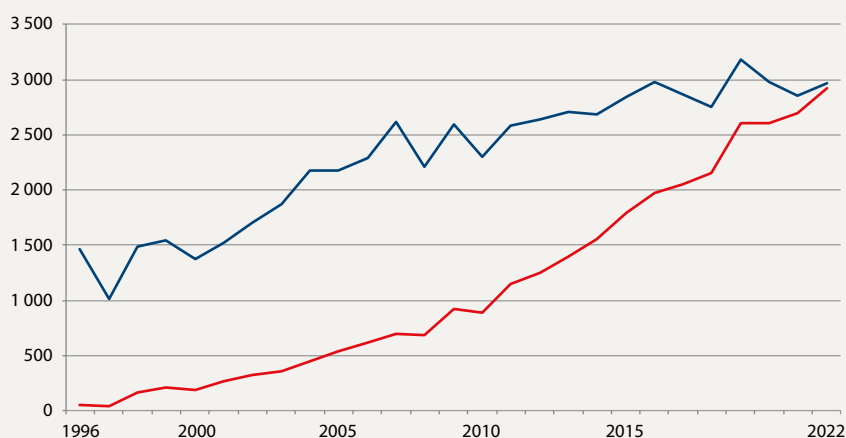
Daucus carota L.

Figure 8 shows the evolution of the number of rights granted between 1996 and 2022 and those still in force on 31 December 2022. A large number of rights are surrendered within a few years after grant. In 2022 the number of surrenders decreased. While remaining on a relatively high level, as in 2020, surrenders in ornamentals have actually decreased by 16 % whereas those in fruit crops have gone up by 62 %.

Figure 8

Number of rights granted each year from 1996 to 2022 and those remaining in force on 31 December 2022 from those granted per year

— Number of rights granted
— Number of rights remaining in force



At the end of 2022, out of the 62 385 rights granted in total, 30 562 (48 %) were still in force. Table 21 illustrates that fruit varieties are generally kept protected for a longer period and that, within each crop sector, the situation varies from species to species. There might be a number of reasons for this phenomenon, such as a change in consumer preferences, breeding trends, differences in intensity of breeding activities, the time and expense required to develop new varieties or a recent boom in plant breeding.

Table 21: Percentage of granted rights that were still in force on 31 December 2022

Crop sector	Species	Proportion (%)
Agricultural		53%
	<i>Hordeum vulgare</i> L.	41%
	<i>Zea mays</i> L.	50%
	<i>Triticum aestivum</i> L. emend. Fiori & Paol.	51%
	<i>Solanum tuberosum</i> L.	56%
	<i>Festuca rubra</i> L.	69%
Vegetable		60%
	<i>Cichorium endivia</i> L.	48%
	<i>Lactuca sativa</i> L.	52%
	<i>Solanum lycopersicum</i> L.	67%
	<i>Capsicum annuum</i> L.	68%
	<i>Daucus carota</i> L.	69%
Ornamental		42%
	<i>Gerbera</i> L.	19%
	<i>Chrysanthemum</i> L.	32%
	<i>Rosa</i> L.	42%
	<i>Phalaenopsis</i> Blume & <i>Doritaenopsis</i> hort.	59%
	<i>Clematis</i> L.	80%
Fruit		96%
	<i>Prunus domestica</i> L.	73%
	<i>Prunus persica</i> (L.) Batsch	78%
	<i>Fragaria x ananassa</i> Duch.	85%
	<i>Malus domestica</i> Borkh.	96%
	<i>Prunus avium</i> (L.) L.	98%



Prunus persica L.



Triticum aestivum L.

10.1.3. Technical examinations

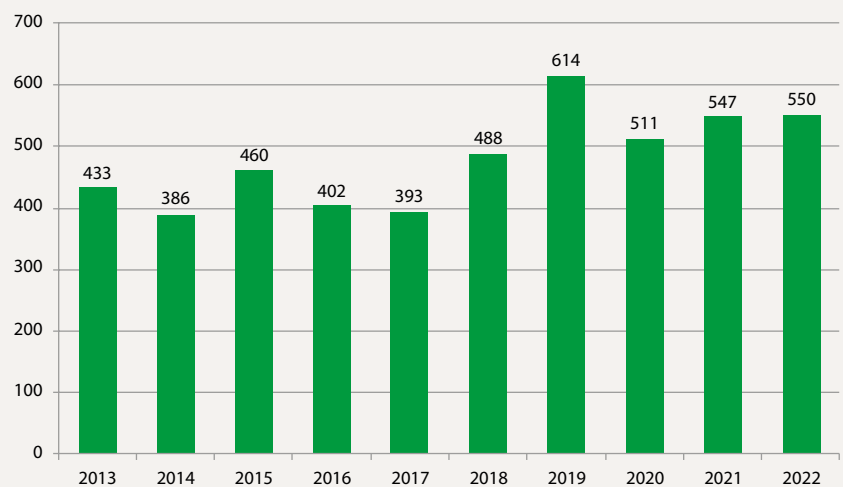
In 2022 the CPVO initiated 1 687 technical examinations. In the agricultural and vegetable sectors, a large number of technical examinations have already been carried out as part of the national listing procedure. If such a technical examination has been carried out by an entrusted EO, the CPVO can base its decision to grant CPVRs on this technical examination in the context of a national application.

10.1.3.1. Sales of reports

National PVR authorities from all over the world regularly base their decisions on applications for PVRs on technical examinations carried out on behalf of the CPVO in the framework of international cooperation in plant variety testing.

Figure 9 illustrates the number of reports the CPVO has made available to national authorities.

Figure 9
Evolution of the number of DUS testing reports made available to other PVR authorities (2013-2022)



By the end of 2022 the CPVO had provided 8 839 technical reports to 65 countries. During 2022, the five countries from which most requests emanated were United Kingdom, Colombia, Morocco, Australia and Kenya. The first position of the United Kingdom in 2022 is explained by the effect of Brexit. Applicants wishing that their varieties be also protected on the United Kingdom territory apply at the Animal & Plant Health Agency (APHA).

In 2022, 43.4 % of requests concerned ornamental varieties, 49.5% fruit varieties, 4 % vegetable varieties and 3.1 % agricultural varieties. In 2022 the CPVO processed 1 101 requests, which is the highest number of requests ever received per year.

The CPVO has set up a flexible approach in respect of the agreed UPOV fee for making reports available. Requesting authorities can pay this fee directly to the CPVO but they can

also opt for the alternative, according to which the CPVO sends the invoice to the title holder or his procedural representative or an agent located in the country of the requesting authority. The report is always provided electronically and directly to the national authorities.

Table 22: The 10 countries that have bought the most DUS technical reports from the CPVO (1998-2022)

Country	Number of reports bought
Colombia	915
Brazil	891
Ecuador	711
Canada	624
Israel	610
Kenya	577
Switzerland	516
Turkey	395
France	343
Russian Federation	302

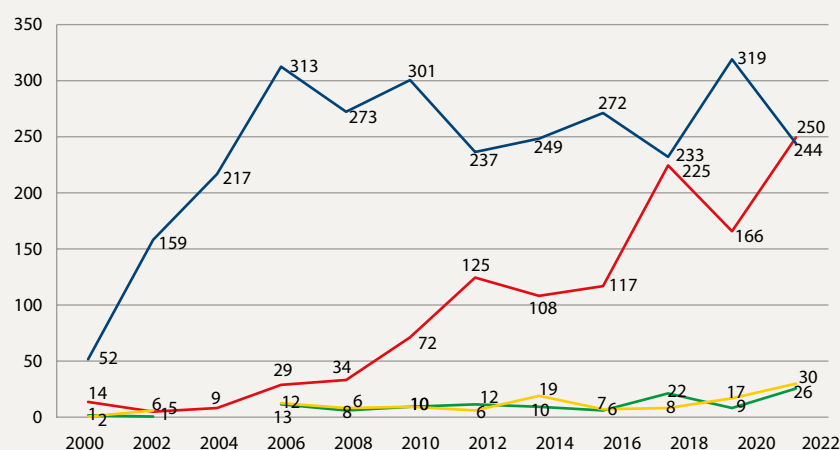
Figure 10 shows the evolution per crop sector of the number of DUS reports exchanged with national PVR authorities all around the world from 1999 to 2022. Due to the Brexit, the total number of requests increased significantly in 2022 compared to the previous year, and still mainly concerned the ornamental and fruit sectors. The number of sales in 2022 was also very high in these two sectors due to applications for ornamental and fruit varieties applied in multiple countries and those countries taking over the DUS report from the CPVO.

Since 1998, the CPVO DUS report of each of 26 fruit varieties and one ornamental variety has been taken over by 10 countries or more. The DUS report of the top variety (a raspberry variety) has been sold by the CPVO so far to 25 countries outside the EU.

Figure 10

Evolution of the number of DUS testing reports made available to other PVR authorities per crop sector for the period 1999-2022 (every other year shown)

■ Agricultural
■ Ornamental
■ Fruit
■ Vegetable



10.1.3.2. Relations with examination offices

10.1.3.2.1. 25th annual meeting with the examination offices

In December 2022 the CPVO held its 26th annual meeting with its EOs, which was also attended by representatives from the European Commission, the UPOV, the breeders' organisations (Ciopora, Euroseeds, Plantum and ECO - PB) and EPO, as well as by representatives from Switzerland and Norway as non-EU PVR authorities. The meeting was held via video-conference. The main subjects of discussion were the following.

- Information to be provided in examination reports.
- Non-availability of reference varieties.
- Single observations in multi-annual testing.
- Guidance on implementation of UPOV Test Guidelines into CPVO Technical Protocols.
- DNA samples.

Furthermore, the participants were informed of the state of play of R & D projects, IT projects and the state of play in the calculation of costs by the EOs being the basis for the determination of examination fees.

10.1.3.2.2. Preparation of the CPVO's technical protocols

In 2022, experts from the Member States' EOs were invited to participate in drawing up or revising the following test protocols (TPs) for DUS testing, which were subsequently approved by the Administrative Council.

- **Agricultural Sector:** rye, triticale, hemp.
- **Vegetable sector:** wild rocket, garden rocket, lettuce, spinach, leaf chicory, watermelon.
- **Fruit sector:** common sea buckthorn, apricot.
- **Ornamental sector:** echinacea, eustoma, lagerstroemia, chrysanthemum.

10.1.3.2.3. Crop expert meetings

A meeting of fruit experts was held on 8 November 2022 in Angers (FR) and continued by electronic means on 13 January 2023. The discussions included a number of items relating to conducting technical examinations (such as testing of apple mutation groups, plant material submission requirements, duration of test for rootstock varieties, certification scheme for strawberry in the Netherlands as well as plant health issues and R & D projects including update on Invite, possibilities to store DNA samples for fruit varieties, update on automated phenotyping. An apple day was organized back-to-back to this meeting, hosted by the French examination office GEVES (FR) and its technically qualified body INRAe. This was the opportunity to discuss methodologies for the observation of characteristics like the time for harvest, the time for eating maturity, the fruit weight or the colour of fruit flesh. Experts could look at challenging situations in the assessment of distinctness for candidate varieties raised by mutation in the group of Gala apples.

The agricultural experts meeting took place on 27 and 28 September 2022 in Krakow (PL). In addition to the DUS technical examination-related topics and TP discussions, items such as hybrid wheat testing, distinctness problems in spring barley, characteristics with one single observation in varieties examined for more than one growing cycles, maize testing systems with breeders' participation in France and Italy, testing of true seed potatoes varieties or issues in relation to non-availability of reference material were discussed. Experts exchanged views on the concept of vmD (value molecular Distinctness) approach for cross pollinated species. Furthermore, an update on the CPVO's R & D projects in cannabis, oil seed rape, durum wheat and InnoVar was provided. In addition to the agricultural experts meeting two technical workshops for true potato seed in the Netherlands and for maize in Poland were organised.

The meeting of ornamental experts was held at the premises of the Dutch examination office Naktuinbouw in September 2022. The aim of the meeting was to inform examiners of the developments in the work of the CPVO and to discuss items linked to the technical examinations (such as the information to be provided in examination reports, the requirement for a plant passport when submitting material for the growing trial, guidance on uniformity threshold for small deviating colour sections, difficulties in obtaining reference varieties. Some of the discussions held served as preparation for the annual meeting with all the EOs.

The meeting of vegetable experts was held electronically on 10 November 2022. In addition to the revision of the TPs, the group discussed several DUS matters related to the proposal to draft a guidance that could allow the EO to perform only one single observation on certain characteristics for species with multi-annual testing, the incidence of non-availability of reference material and the repercussions on the conduct of examinations. The group has also discussed the proposal of Euroseeds towards a harmonised way to collect and monitor stocks of seeds for variety collections. Another point of the agenda addressed the way future discussions on disease characteristics could be streamlined both on UPOV and CPVO levels.

10.1.3.2.4. New species

In 2022 the CPVO organised two new-species inventories. In the 2022-A procedure in May, 36 new species for which varieties have not yet been subject to an application to the CPVO were published. For 34 of them, a new EO was appointed. In October for the 2022-B procedure, 13 new species were published. For 9 of them, a new EO was entrusted. The list of those taxa concerned is provided in Table 23.

Table 23: List of new species for which EOs were entrusted during the procedures 2022-A and 2022-B

Species name
<i>Acanthophyllum cerastioides</i> (D. Don) Madhani & Zarre (syn. <i>Gypsophila cerastioides</i> D. Don)
<i>Actinidia valvata</i> Dunn
<i>Ajuga reptans</i> L. x <i>Ajuga tenorei</i> C. Presl
<i>Alocasia baginda</i> Kurniawan & P. C. Boyce
<i>Alocasia nebula</i> A. Hay
<i>Billbergia nutans</i> H. Wendl. ex Regel
<i>Calanthe</i> R. Br.
<i>Ceropegia linearis</i> E. Mey. subsp. <i>woodii</i> (Schltr.) H. Huber (syn. <i>Ceropegia woodii</i> Schltr.)
<i>Corylus columna</i> L.
<i>Daphne circassica</i> Woronow ex Pobed. x <i>D. sericea</i> Vahl
<i>Dieffenbachia daguensis</i> Engl.
<i>Epidendrum radicans</i> Pav. ex Lindl.
<i>Erica manipuliflora</i> Salisb. (syn. <i>Erica verticillata</i> Forssk)
<i>Eryngium ebracteatum</i> Lam.
<i>Eryngium pandanifolium</i> Cham. & Schltdl.
<i>Eucalyptus x irbyi</i> R. T. Baker & H. G. Sm. (syn. <i>Eucalyptus dalrympleana</i> Maiden x <i>E. gunnii</i> Hook. f.)
<i>Euphorbia amygdaloides</i> L.
<i>Euphorbia corollata</i> L.
<i>Fargesia nitida</i> (Mitford) Keng f. ex T. P. Yi
<i>Geranium shikokianum</i> Matsum.
<i>Hydrangea chinensis</i> Maxim. x <i>H. macrophylla</i> (Thunb.) Ser.
<i>Jasminum x stephanense</i> Lemoine
<i>Kalanchoe laciniata</i> (L.) DC.
<i>Lysimachia alfredi</i> Hance
<i>Magnolia figo</i> (Lour.) DC.
<i>Maranta leuconeura</i> E. Morren
<i>Miscanthus sacchariflorus</i> (Maxim.) Benth. & Hook. f. ex Franch. x <i>Tripsacum dactyloides</i> (L.) L.
<i>Olearia phlogopappa</i> (Labill.) DC.
<i>Onobrychis viciifolia</i> Scop.
<i>Passiflora edulis</i> Sims
<i>Philadelphus lewisii</i> Pursh x <i>P. x virginalis</i> Rehder
<i>Phlox divaricata</i> L.
<i>Pinus uncinata</i> Mill. ex Mirb.
<i>Primulina dryas</i> (Dunn) Mich. Möller & A. Weber
<i>Rubus occidentalis</i> L.
<i>Tarenaya</i> Raf.
<i>Tilia x europaea</i> L. (<i>Tilia cordata</i> x <i>T. platyphyllos</i>)
<i>Tillandsia capitata</i> Griseb.
<i>Tulbaghia</i> L.
<i>Viburnum davidii</i> Franch. x <i>V. propinquum</i> Hemsl.
<i>Vitex pseudonegundo</i> (Hausskn.) Hand.-Mazz. (syn. <i>Vitex xhybrida</i> Moldenke)
x <i>Pyracomeles vilmorinii</i> Rehder (<i>Pyracantha crenatoserrata</i> x <i>Osteomeles subrotunda</i>)
x <i>Tulworthiopsis</i> G. D. Rowley (<i>Haworthia</i> x <i>Tulista</i>)

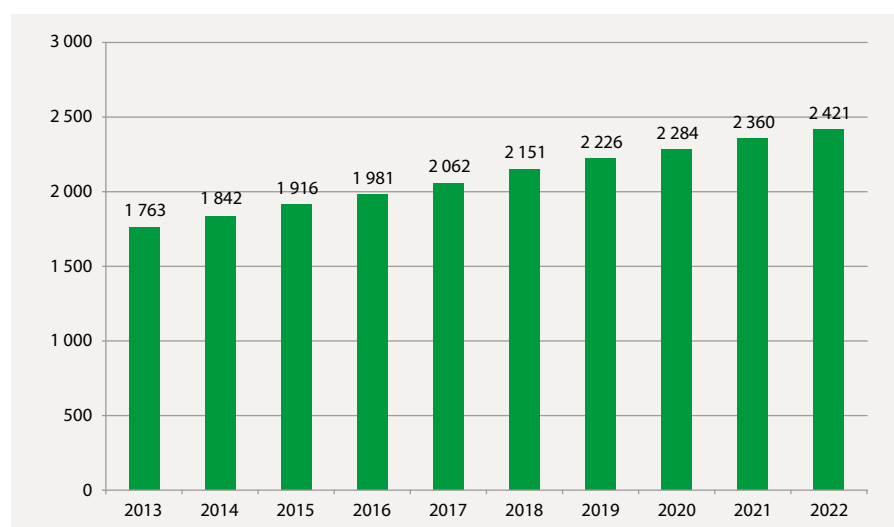
For the taxa for which no proposals have been received so far, the CPVO is exploring technical solutions, either at EU level or outside the EU, depending on the species.

In 2022, the AC agreed to a cooperation agreement between the CPVO and MAFF, the Japanese EO for the species *Eutrema japonicum* (Miq.) Koidz. (syn. *Wasabia japonica* (Miq.) Matsum.). For a duration of 5 years, the CPVO can take over DUS reports from MAFF and MAFF can carry out DUS examinations on behalf of the CPVO for the species in question.

Figure 11 shows the evolution of the number of taxa for which the CPVO received applications for Community PVP since 2013.

Figure 11

Evolution of the number of botanical taxa for which the CPVO received applications (2013-2022)



10.1.4. Technical liaison officers

The CPVO tries to have a close and efficient working relationship with its EOs. Therefore, the CPVO formalised a network of contact persons on a technical level in the Member States, the technical liaison officers. The TLOs play an important role in the CPVO's relationship with its EOs.

The role of the TLO can be defined as acting as the contact point for the CPVO at a technical level. In particular, this means the following:

- Invitations to the annual meeting with the EOs are, in the first place, addressed to the TLO.
- The TLO should be the person at EO level who is in charge of distributing information of technical relevance within the EO in respect of the CPVR system (e.g., informing crop expert colleagues of conclusions from the annual meeting of the EOs).

- Technical enquiries, which are sent out by the CPVO to collect information, should be addressed to the TLOs. Examples include:
 - new species procedures, in order to prepare the proposal for the entrustment of EOs to the Administrative Council;
 - questionnaires in respect of closing dates, quality requirements and the testing of genetically modified organisms.
- For communications of a general technical nature, the CPVO contacts the TLOs first. Specific problems, such as those relating to a certain variety, may be discussed in the first instance directly between the crop expert at the EO and the relevant expert at the CPVO.

Table 24: List of appointed TLOs (as of 31 December 2022)

Luca Aggio	CREA Centro di ricerca per la viticoltura ed enologia/Viticulture and Enology Research Centre Italy
Ľubomír Bašta	UKSUP Department of variety testing Slovakia
Pier Giacomo Bianchi	CREA-DC Italy
Alexandra Chatzigeorgiou	Hellenic Ministry of Rural Development and Food Directorate-General of Agriculture Directorate of Propagating Material of Cultivated Plant Species and Plant Genetic Resources Greece
Mihaela-Rodica Ciora	Institutului de Stat pentru Testarea si Inregistrarea Soiurilor / State Institute for Variety Testing and Registration Romania
Ana Paula Cruz de Carvalho	Direção Geral de Alimentação e Veterinária Portugal
Zoltán Csurös	NÉBIH Directorate of plant production and horticulture Hungary
David Cummins	Department of Agriculture, Food and the Marine Ireland
Maureen Delia	Ministry of sustainable development environment and climate change Seeds and other propagation material unit Plant health directorate Malta
Gerhard Deneken	Tystofte Foundation Denmark
Dilyan Dimitrov	Executive Agency for Variety Testing Field Inspection and Seed Control Bulgaria
Ivana Dugalić	Croatian Centre for Agriculture, Food and Rural Affairs Croatia

Damien Eylenbosch	Centre Wallon de Recherches Agronomiques Belgium
Jutta Taferner-Kriegl	AGES Austria
Fabio Gervasi	CREA Centro di ricerca per la Olivicoltura, Frutticoltura e Agrumicoltura / Olive, Citrus and Tree Fruit Research Centre Italy
Marcin Król	Coboru Poland
Kristiaan van Laecke	Eenheid Plant – eel ten Omgeving / Plant Unit – Cultivation and Environment Belgium
Clarisse Leclair	GEVES FRANCE
Päivi Mannerkorpi	European Commission DG Health and Food Safety Belgium
Kyriacos Mina	Ministry of agriculture, natural resources and environment Agricultural research institute Cyprus
Inga Ovsjannika	State Plant Protection Service Latvia
Kaarina Paavilainen	Finnish food safety authority Finland
Zukiene Rasa	Ministry of agriculture Lithuanian state plant service Division of plant variety Lithuania
Andrea Povolná	ÚKZÚZ Czech Republic
Helena Rakovec	Ministry of agriculture, forestry and food Slovenia
Beate Rücker	BSA Germany
Bert Scholte	Naktuinbouw Afdeling Rassenonderzoek / Variety Testing Department Netherlands
Agra Univer	Agricultural research centre Viljandi variety testing centre Estonia
Nuria Urquía Fernández	OEWS Ministerio de Agricultura, Pesca y Alimentación / Ministry of Agriculture, Fisheries and Food Spain
Marc Weyland	Agriculture technical services office Plant production service Luxembourg
Carin Stenberg	Swedish Board of Agriculture Plant and Environment Department Plant Regulation Division Sweden

11. VARIETY DENOMINATIONS

11.1. The CPVO Variety Finder

The CPVO Variety Finder is a web application which contains information on registers of more than 70 countries with a general search tool. In 2021, the CPVO released a new redesigned version of the CPVO Variety Finder application and improved significantly the user friendliness of the tool. Users have now the possibility to adjust their settings, criteria or result lists. Search facilities have been significantly improved.

The CPVO centralises data from various registers such as PBR offices (including the CPVO register), National plant variety listings, Plant patent registers, the EUIPO trademark register (trademarks registered in class 31) and commercial registers.

The objective is to offer a centralised search service to breeders, national authorities and the public in general.

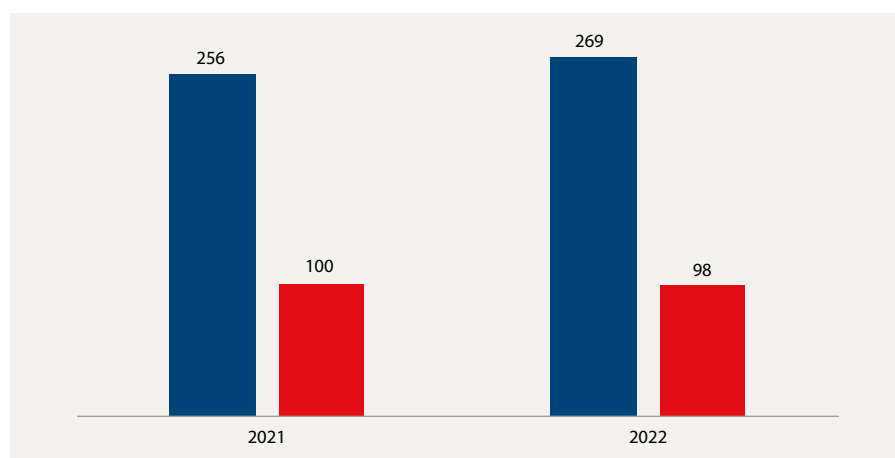
An efficient similarity search tool is made available to test the suitability of variety denominations.

The various contributors update the database as soon as data are officially published, and a memorandum of understanding has been signed with UPOV to share the task of collecting data from EU Member States and non- EU countries and ensure a regular data exchange.

The year 2022 was marked by the launching of an internal project at the CPVO in order to digitalise as much as possible the management of the contributions to the Variety Finder database. The CPVO receives between 300 and 380 contributions per year. The aim of the project is to review and improve the update procedures and to computerise quality checks on the data received inserted in the Variety Finder.

Figure 12
Evolution in the number of
contributions to the Variety Finder
processed at the CPVO

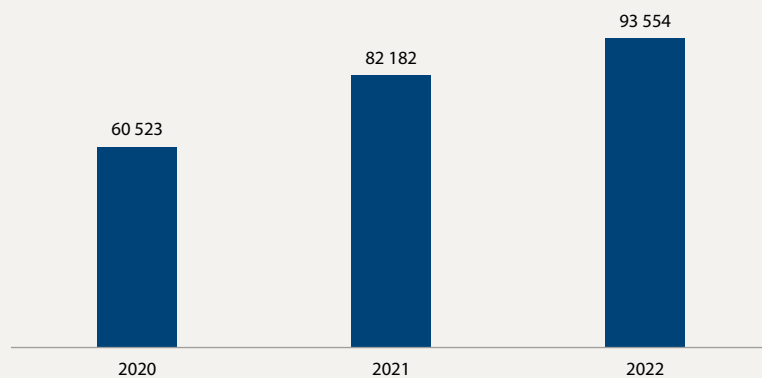
■ EU countries
■ Non EU countries



In total, more than 1.5 million records originating from EU and non-EU countries have been included in the Variety Finder so far. We observe an increase over the last 3 years in the number of new inserted records in the database.

Figure 13

Number of new inserted records in the Variety Finder database



The use of the Variety Finder has constantly increased over recent years.

CPVO applicants and titleholders represent the biggest group of users with more than 51% of the tests of similarity launched.

Figure 14

Variety Finder use: visits by key functionalities (in 2022)

- Information on botanical names
- Others (contributions, statistics...)
- Search tool
- Denomination similarity testing

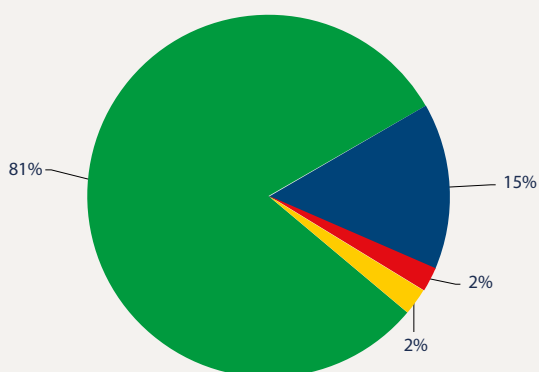
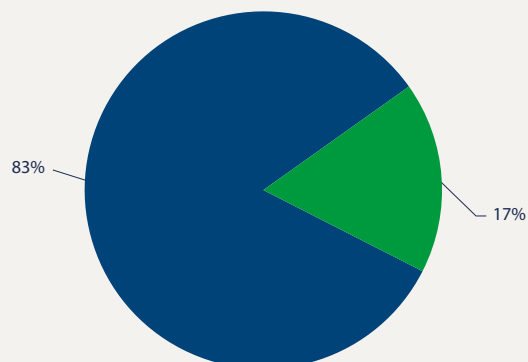


Figure 15

Variety Finder use: visits by geographical origin of the users in 2022

- Europe
- Outside Europe



The CPVO and the Directorate General for Health and Food Safety (DG SANTE) worked intensively in 2022 on the joint project named “EU Plant Variety Portal (EU PVP)”.

It aims at developing a unique IT based notification system for plant varieties in the EU and offer to Member States a unique portal for notification of varieties to the Commission for the Common Catalogues and to the CPVO for the Variety Finder. It aims at rationalising the data flows across the EU Commission, the Member States and the CPVO, avoiding e-mail notifications.

After several surveys targeting EU Member States and a meeting of the working group in March 2022 on the content of the future information systems, the team delivered the first version of the data dictionary.

At the end of 2022 and beginning of 2023, data from the Common Catalogue were migrated from the old to the new database and Member States have been invited to undertake testing of the new Portal for notification. The new data dictionary is now in use to contribute to the Common Catalogue and should be slightly adapted to allow contributing to the Variety Finder in the future.

11.2. Cooperation in denomination testing

The year 2022 was marked by the implementation of the revised version of the guidelines on variety denominations and their explanatory notes, applicable as of 1 January 2022. This revision aimed at clarifying the interpretation of the rules by simplifying certain aspects and expanding the explanations. Among the changes to the rules, it is worth noting that the distinction between denomination types ‘fancy terms’ (denominations consisting in their core part of one or several pronounceable words, which in many cases, have a meaning) and ‘codes’ (in general, a combination of letters and numbers or letters only that do not constitute a pronounceable term) has been removed, allowing for greater uniformity in the applicable rules. The introduction of the punctuation marks already accepted by the International Code for the Nomenclature for Cultivated Plants (ICNCP), as well as a better consideration of the context (crop sector, established practices, linguistic custom demand), allow for greater flexibility and adaptation to situations where the rules may have seemed too rigid. Some comments regarding the already applicable rules were expanded to provide for more clarity on the interpretation of the rules and their implementation by the CPVO.

The revision has led to several changes and the impact of these changes was evaluated during the year 2022. Although the CPVO did not receive any comments from the stakeholders during the year, some specific issues emerged and triggered internal discussions at the CPVO.

Removing the two denomination types from the application form does not prevent the denominations from having a different pattern. The specific characteristics of the

denominations that had initially led to the creation of the ‘code’ and ‘fancy term’ types remained, and if in most cases it was possible to avoid two very distinct sets of rules, the fact remains that these denominations present differences that should be reflected and regulated in the guidelines. In this regard, the new explanatory notes could be perceived somehow quite rigid when they concern “code-like” denominations.

The rule regarding the 10-year waiting period for reusing the denomination of a previously registered variety of the same or related species that has been removed from an official register for more than a decade is not a new subject. However, the expansion on comments aiming at defining more precisely its framework highlighted some concerns related to this rule and its continued implementation in a world where information and access to it are key issues.

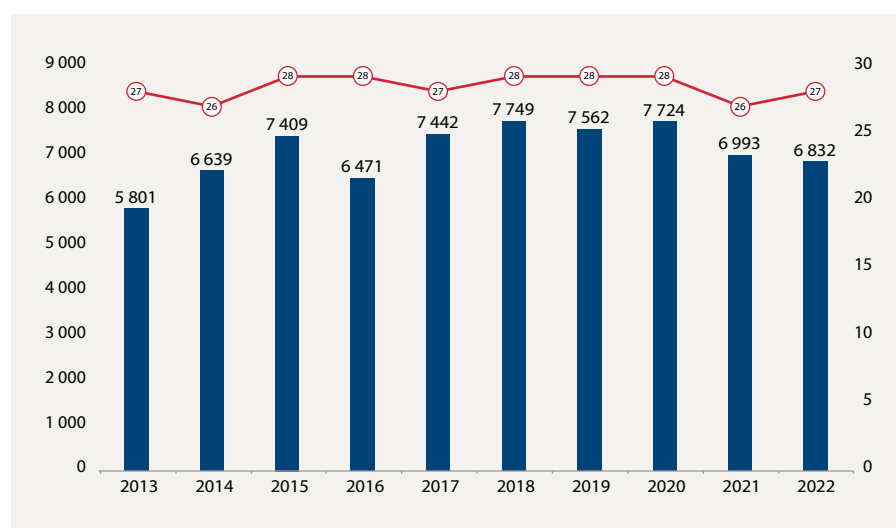
The CPVO decided to address these points by establishing a working group on variety denominations in early 2023. Stakeholders would be invited to bring any additional concerns or comments to this meeting.

11.2.1. The cooperation service, in numbers

Figure 16

Number of requests for opinion received and number of contributing national authorities (2013-2022)

■ Sum of Number of requests for opinion
— Sum of Number of National Authorities



Except for the year 2016, the cooperation service has always shown an increase in terms of requests for advice. Because of the Brexit, 2021 was marked by a drop of 10 % in the number of requests for advice. In 2022, the number of requests for advice continued to decline, although to a lesser extent.

11.2.2. Cooperation service in denomination testing and Listing

The article 63 of the Council Regulation 2100/94 on Community Plant Variety Rights is implemented in the Commission Implementing regulation 2021/384 on the suitability of denominations of agricultural plant species and vegetable species. It is therefore essential

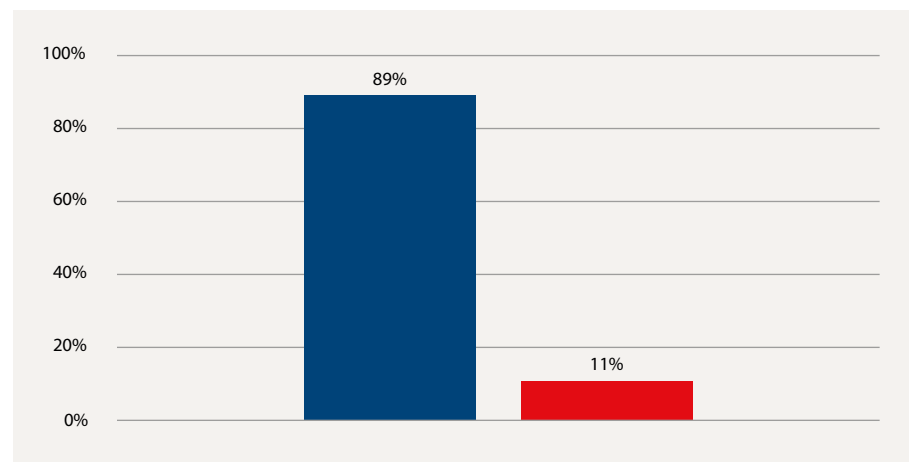
that the denominations included in the Common Catalogue meet the requirements of the rules on variety denominations.

The Cooperation service in denomination testing with EU Member States aims to ensure that the rules are respected and to harmonise their interpretation. However, experience has shown that not all denominations which enter the Common Catalogue have been the subject of prior consultation to the CPVO.

Figure 17

Estimate of the percentage of denominations that have or have not been the subject of a request for advice among the 1 816 varieties registered on EU National lists in 2022

■ Requested
■ Not requested



In 2021, the CPVO informed the EU national authorities that it had started working on the denominations of varieties registered in the national registers and that had not been the subject of a request for advice since the implementation of the cooperation service. The figures for the year 2021 were shared with the national authorities in May 2022.

At the examination offices meeting in December 2022, the CPVO provided an estimate for 2022, showing that about 11 % of the varieties registered on EU national lists had not been subject to a prior request for opinion on their denomination.

When asked about the reasons for not submitting certain denominations to the cooperation service, the national authorities concerned replied that the denominations had already been published or the varieties were registered in another country, or the varieties were already in the Common Catalogue.

While recognizing that this could be seen as a legitimate approach, the CPVO sees a risk in denominations entering the Common Catalogue without complying with the rules on variety denominations, a situation that may create problems at a later stage and lead to the creation of synonyms.

The CPVO informed the EU Member States on planning to develop quality checks at the stage of the import of national NLI data into Variety Finder so that the system could proactively detect denominations that have not been submitted under the cooperation service and the CPVO could report this to the national authority concerned.

12. INFORMATION TECHNOLOGY (IT)

Over the past year, the IT unit has undergone a significant transformation, evolving from a traditional IT service provider into a digital enabler for the CPVO. This metamorphosis is reflected in its change of denomination: IT is now CPVO's Digital Transformation Unit. The DTU's broadened mission is aimed at improving not only the efficiency, security, and adaptability of IT's infrastructure but also enabling CPVO's strategic goals by the rollout of several long-term initiatives:

1. By progressively introducing Lean management principles across all business areas, the DTU is aiming at helping eliminating waste and improving operating efficiency. This transformation programme will foster a culture of continuous improvement, leading to increased agility, streamlined project delivery, and reduced operational costs.
2. CPVO's strategic commitment to data-driven decision-making is being enabled by the implementation of integrated business intelligence (BI) tools, controlled processes, and a state-of-the-art data warehouse. These resources will facilitate teams to access real-time insights and make informed decisions, driving continuous improvement and growth across the CPVO.
3. The User eXperience (UX) Transformation is central to enhancing the user experience across all CPVO digital platforms by focusing on customer-centric design principles creating intuitive, responsive, and accessible platform interfaces not only improving customer satisfaction but also boosting staff productivity and collaboration.
4. The Cybersecurity Acceleration programme addresses today's ever-evolving threat landscape and EU's upcoming new cybersecurity regulation. This proactive approach is fortifying CPVO's digital defences by implementing advanced threat detection, prevention, and response systems not only safeguarding sensitive data and assets but has also instilling trust among our users and stakeholders.
5. The Cloud Transition of customer facing platforms has been a critical step in modernising CPVO's IT infrastructure. Transitioning to a flexible and scalable cloud environment helped streamline processes, reduce operational costs, and improved the availability of CPVO online services. This transition has also paved the way for the next phase of the cloud transition, concerning our back-office platforms.
6. Effective content management is crucial to CPVO's digital transformation journey. Implementing a modern content management practice and supporting systems will enable more streamlined the creation, storage, and distribution of digital assets across the CPVO.
7. Embracing Agile methodologies has revolutionised the way the DTU operates. By adopting a flexible, iterative approach to project and product management, the team have strengthened a culture of collaboration, innovation, and adaptability. This transformation has allowed the DTU to respond rapidly to shifting priorities, delivering high- quality solutions and driving greater value for CPVO's stakeholders.

8. Not falling behind the curve is a cornerstone of our digital transformation journey. By leveraging cutting-edge technologies, such as Machine Learning, Artificial Intelligence (AI), Blockchain, the Cloud, ... the DTU is building future-ready platforms that support the needs of the CPVO today and tomorrow.

As we move forward, the DTU will continue to serve as a catalyst for change, driving CPVO's success and enabling it to thrive in an increasingly digital world.

13. COOPERATION WITH THE DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

13.1. Standing Committee on Community Plant Variety Rights

In 2022 there was no meeting of the Standing Committee on CPVR.

13.2. Standing Committee on Plants, Animals, Food and Feed

13.2.1. 'Seeds and propagating material for agriculture and horticulture' section

This European Commission Committee met twice during 2022.

Of particular interest for the CPVO throughout 2022 were the following.

- The European Commission / CPVO project on a unique EU IT system on plant varieties.
- The two draft Commission Implementing Directives amending Directive 2003/91/EC and Directive 2003/90/EC as regards the temporary derogation for organic varieties of vegetable species and agricultural species suitable for organic production.
- Update on the revision of the legislation on plant reproductive material.
- The draft Commission Implementing Directive amending Directives 2003/90/EC and 2003/91/EC as regards the protocols for the examination of certain varieties of agricultural plant species and vegetable species.
- Exchange of views on a request from France to be authorised to prescribe appropriate cultivation conditions for varieties made herbicide-tolerant under Article 16(2) of Directive 2002/53 on the common catalogue of varieties of agricultural plant species.



Wheat

- Presentation by Germany of the final report on a temporary experiment under Commission Implementing Decision 2014/150/EU providing for certain derogations for the marketing of populations of the plant species wheat, barley, oats and maize pursuant to Council Directive 66/402/EEC.
- Follow-up on the Economic Co-operation and Development (OECD) Seed Schemes technical issues.
- Update on the Seed Fraud Network.

13.2.2. 'Standing Committee on Propagating Material of Ornamental Plants' section

There was no meeting of this committee in 2022.

13.2.3. 'Standing Committee on Propagating Material and Plants of Fruit Genera and Species' section

This European Commission Committee met twice in 2022, the following points were of particular interest for the CPVO.

- The revision of the plant and forest reproductive material legislation.
- Developments on EU legislation on Union regulated non-quarantine pests on propagating material of ornamental plants, fruit propagating material and fruit plants.

13.3. Council working parties

Following an invitation from the DG for Health and Food Safety to join the European Commission delegation, the CPVO participated in the following Council working parties in 2022.

- Working parties on coordination of EU positions in respect of UPOV meetings (Council, Consultative Committee, Technical Committee, and Administrative and Legal Committee).
- Working parties on coordination of EU positions in respect of the OECD annual and Technical Working Group meetings.

14. EXTERNAL RELATIONS

14.1. Cooperation with external organisations

14.1.1. Breeders' organisations

Regular interaction with breeders' organisations is a top priority for the CPVO. The CPVO ensures it is in frequent contact with breeders' organisations, representing the majority of users of the EU system. Ciopora, Euroseeds and Plantum are all key contributors to the work of the CPVO.

Representatives of these three organisations participate in the AC of the CPVO as observers and in all relevant meetings of technical experts organised by the CPVO. These organisations actively contribute to seminars and workshops organised by the CPVO. The breeders' organisations play an invaluable role in spreading information and knowledge on all aspects of the Community plant variety system throughout the EU.

The CPVO is most grateful for the constructive and positive collaboration with these organizations, they are effectively conveying CPVO's work on PVRs to breeders.

In April 2022 the President attended the Ciopora Annual General Meeting and in October 2022, together with Nathan Wajzman, participated to the Euroseeds congress to present the joint CPVO-EUIPO study on the impact of the CPVR system on EU economy and environment.

In 2022 the CPVO held bilateral meetings with Ciopora at their premises in Hamburg. A trilateral meeting was held with Euroseeds and Plantum at the CPVO premises in Angers. Issues of mutual interest were discussed. Those discussions related amongst other topics to fee and cost aspects, the new strategic plan of the CPVO, the implementation of the extended protection period for certain species, UPOV matters and here in particular the ongoing work on essentially derived varieties, public access questions, the international strategy of the CPVO as well as the interface of PBR and patents. It was concluded that such formal bilateral meetings should continue being organized on an annual basis.

14.1.2. The International Union for the Protection of New Varieties of Plants (UPOV)

The CPVO has participated in the activities of the UPOV since 1996. In July 2005 the European Community (now the EU) became a member of UPOV.

During 2022, as members of the EU delegation, CPVO officials participated in meetings of the following UPOV bodies, committees and working groups.

- The UPOV Council.
- The Legal and Administrative Committee.
- The Technical Committee.
- The Consultative Committee.

- Technical working parties.
- The following working groups
 - on the development of an electronic application form.
 - on variety denominations.
 - on essentially derived varieties.
 - on DUS Support
 - on harvested Material and Unauthorized use of Propagating Material
 - on Guidance concerning Smallholder Farmers in relation to private and non-commercial use

The UPOV office attends the CPVO's Administrative Council meeting as observers. Senior officials of the UPOV regularly attend meetings of experts or working groups organised by the CPVO dealing with technical and legal issues of common interest.

In several regions of the world where countries are members of UPOV, such as Asia, Africa, Latin America and the Caribbean, there is an emergent interest in knowing the details and results of PVR systems with a regional scope and learning from the experience accumulated. The CPVO frequently provides speakers for seminars and technical workshops organised by UPOV. Furthermore, several staff members of the CPVO also act as tutors in the various distance-learning courses offered by UPOV.

14.1.3. The European Union Intellectual Property Office

In 2022 the CPVO continued its good cooperation with the EUIPO in different areas, such as internal audit, international cooperation, data protection, IT and HR services, the Observatory and the development of a PVR Academy. Moreover, the CPVO in 2022 has started cooperation with EUIPO and DG GROW to launch the SME Fund for covering Community Plant Variety Rights.

The CPVO continued to participate in the enforcement and legal working groups of the European Observatory on Infringements of intellectual property rights (IPRs), as well as in the plenary session.

The joint study conducted by the CPVO and the Observatory on the economic contribution of the PVR system in the EU, was released on 28 April 2022.

The CPVO also contributed to the update of the Observatory national case-law database in the domain of enforcement of PVRs by national courts. In the area of international cooperation, the CPVO jointly implemented the IP Key projects, with a new phase starting in 2022 (China, Latin America, and South-East Asia) and also the cooperation projects in the Caribbean (CarlPI) and Africa (AfrlPI).

In the area of data protection, the DPO of the EUIPO continues being the appointed DPO of the CPVO. In the IT area, both offices agreed to intensify their cooperation with a view to strengthening synergies in the development of IT projects.

14.1.4. The European Patent Office

On 31 March 2022, the CPVO renewed its cooperation agreement with the European Patent Office by means of 'Administrative Arrangement No 2022/01373 on bilateral cooperation between the EPO and the CPVO', which includes two implementation plans. On this day, in an online meeting, the President of the CPVO, Mr Mattina, and the President of the EPO, Mr Campinos, renewed the EPO-CPVO cooperation agreement for a duration of 5 years.

The Administrative Arrangement No 2022/01373 follows up on the former Administrative Arrangement of cooperation between the CPVO and the EPO (Administrative Arrangement No 2016/0009), which was signed in February 2016 and enabled greater transparency and exchange of knowledge between the two organisations in the area of plant-related patents and plant variety rights, respectively.

The cooperation plans enshrined in the new Administrative Arrangement No 2022/01373 are focused on data exchange and on the sharing of work practices regarding the use of databases and other working tools. The exchange of data allows the examiners to have access to non-confidential data of the technical questionnaires as well as to the variety description of protected varieties, thus further increasing the quality of the European patents.

In the framework of the sharing of work practices, the representatives of the EPO and the CPVO begun exchanging views and agreed on the specific matters of interest and cooperation activities for the upcoming 3 years (i.e.: 2023, 2024 and 2025). It was decided that the first step in this new era of cooperation would be to organize an online joint workshop to be held on 9 March 2023.

In the meantime, the EPO and the CPVO remain in constant dialogue. This dialogue is proving an essential aspect in the protection of plant-related innovations and will play a key role in facing the challenges of the 21st century.

14.1.5. OECD

In 2022 the CPVO attended the annual meeting of the Organisation for Economic Co-operation and Development seed schemes held in Tallinn (Estonia), the related technical working group meeting and some of the ad hoc working parties. Of particular interest for the CPVO are the OECD activities in respect of biochemical and molecular techniques, aspects related to variety identity and variety descriptions as well as discussions related to digital technologies for trade, traceability, and certification.

14.1.6. Other EU institutions

The CPVO maintains regular external contacts by participating in meetings organised by the following bodies and on the following topics:

- The European Commission DG Human Resources and Security – implementation of the staff regulations.
- The European Commission DG Budget – implementation of the new financial regulation.
- The European Commission DG Trade – cooperation in the field of the EU-funded project IP Key project with China, Latin America and South-East Asia.
- The European Commission DG International Partnerships (INTPA) (former DG DEVCO) — cooperation in the field of EU-funded projects ‘Caribbean Forum of the African, Caribbean and Pacific Group of States intellectual property rights and innovation’ and ‘Intellectual Property Rights Action for Africa’.
- The European Commission DG Grow – cooperation in the field of the IP Action Plan and SMEs, with a view to extend services such as the IP Scan and the IP Vouchers to PVRs
- The committees on legal affairs and for agriculture and rural development of the European Parliament.
- The PRM related WGs in the Council

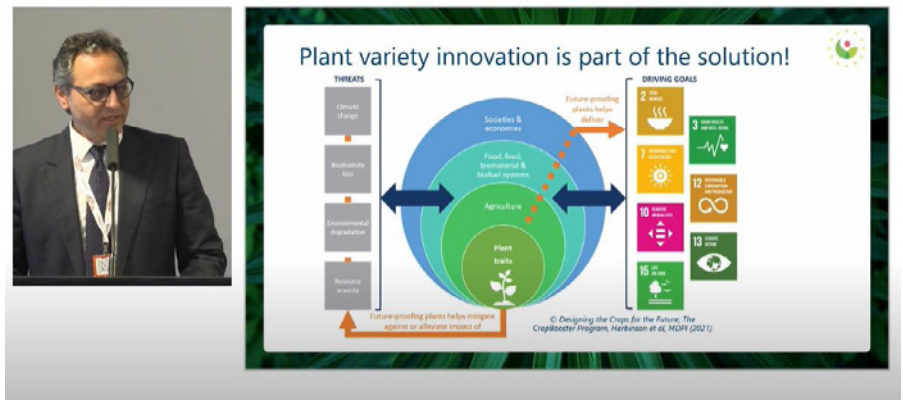
In addition, other fields of external activity can be mentioned, such as the following.

- The relevant standing committees of the European Commission.
- The Management Board of the Translation Centre for the Bodies of the EU.
- The coordination of the EU agencies at management level.
- The annual coordination meeting of the Publications Office of the EU with the EU agencies.
- Cooperation with the European Union Agency for Law Enforcement Training and the European Union Agency for Law Enforcement Cooperation in order to raise the awareness of the law enforcement agencies about the infringement of PVRs in the framework of the Virtual Training Centre for police and customs officials and the operation ‘Opson’ to fight against the counterfeiting of foodstuffs. This aims at enhancing cooperation between the law enforcement and regulatory authorities involved in the field of PVRs.
- The meetings of the DPOs of the EU agencies, as well as other working groups established under the umbrella of the coordination of EU agencies, such as the Inter-Agencies Legal Network, the Network of Agencies Procurement Officers, the Inter-Agency Appeal Proceedings Network, the Performance Development Network and the Head of Communication Inter-Agency Network (HCIN).

In 2022, the CPVO strengthened its visibility with the European Parliament by inviting and welcoming an official delegation of the agriculture and rural development committee (AGRI) in Angers in April. The EP delegation participated in the policy seminar organised on the occasion of the publication of the EUIPO-CPVO study assessing the impact of CPVRs on the EU economy and the environment, and to a field visit at the GEVES DUS testing station in L’Anjouère (Angers, FR). The study was also presented during a committee meeting of the AGRI committee in Brussels, in November.

The CPVO also strengthen its visibility vis-à-vis the Council of the EU and, in particular, the countries holding the rotating presidencies. In February, the French State Secretary for European Affairs, Mr Clément Beaune, together with a group of elected officials visited the CPVO on the occasion of the French Presidency of the Council. In June, the CPVO met with the Head of Agricultural affairs at the Czech EU Permanent Representation in Brussels and was subsequently invited to speak at an EU Presidency event in Prague (Czechia).

In addition, the President of the CPVO visited several EU Member States to meet with public authorities, government representatives, examination offices and industry representatives: Italy in March, The Netherlands in May, Germany in June, Spain in June, and Czech Republic in November.



Francesco Mattina, President of the CPVO, presenting a conference in Czech Republic

14.1.7. Non-governmental organisations

In addition to the cooperation as mentioned in the previous chapters, the CPVO has contact and communicates with various non-governmental organizations.

An annual bilateral meeting is organized with the International Association for Horticultural Production (AIPH). The CPVO informed AIPH of the ongoing discussions in the CPVO's AC and AIPH reported on issues of relevance for the CPVO which are discussed at AIPH.

Representatives from ECO-PB attend the meetings of the CPVO crop sector expert groups for agricultural and vegetable crops and the annual meeting of the CPVO with its EOs as observers.

14.1.8. Local partners

In 2022, the CPVO continued its engagement and collaboration with its local partners and participated in local events, festival, and fairs, such as: the "Salon du végétal" and "SIVAL" fairs, where the CPVO made presentations in the conference areas, or "Made in Angers" and "Angers fête l'Europe" festivals where the CPVO opened its doors to the public.

In addition, in August 2022, the International Horticulture Congress (IHC) gathering hundreds of scientists from all over the world took place in Angers. The CPVO actively supported the Congress by organising a forum session dedicated to the issue of plant variety protection and the presentation of the joint EUIPO-CPVO study.

Finally, the CPVO worked on a couple of joint promotional activities with "Maison de l'Europe", the local office tasked to promote the European Union policies towards the population of the Angers region.

14.2. Training and promotion of the Community plant variety rights system

14.2.1. CPVO international relations strategy

The present CPVO international relations strategy was adopted in March 2021.

This strategy aligns the work programme of the CPVO with the new EU policy objectives, which include among others the European Green Deal to overcome the climate change and environmental degradation. The objective to make Europe climate neutral by 2050 is an ambitious goal and different policies will support its attainment. The EU Green Deal, the Farm to Fork strategy, the biodiversity strategy and, at global level, the UN Sustainable Development Goals are at the heart of the process, and the CPVO is committed to contribute to their implementation and to support the achievement of these policy objectives.



OAPI mission

These strategies are accompanied by several other policies concerning trade, SMEs, Intellectual Property and innovation, and they all go in the direction of making the EU a strong actor in the global and interconnected market.

The CPVO strategy builds upon the contribution of the Agency to the implementation of several EU-Funded projects (IPKey China, South-East Asia and Latin America, CarlPI, AfrlPI and AL-INVEST VERDE PI) together with the European Commission and the European Union Intellectual Property Office, with the support of national and international authorities. Moreover, the CPVO contributed to the implementation of the PPOV project (Projet de Renforcement et Promotion du Système de Protection des Obtentions Végétales) with OAPI and other initiatives under different European programs (e.g. TAIEX)

The international outreach of the CPVO is also focused on contributing to working groups with a legal and scientific focus at international level. In 2022 a study was published on the CPVR impact on EU economy with the Observatory on infringements of Intellectual Property Rights.

To cite the CPVO international relations strategy, the promotion of a reliable and effective plant variety protection system goes hand in hand with the need to foster investment in the sector. A harmonised level of protection of intangible assets at a global level ensures a higher level of investment in trade, favours exports from the EU, technology transfers and financial investments in businesses inside and outside Europe.

14.2.2. Participation in international fairs

The CPVO considers its participation in international fairs and open days at EOs to be a useful opportunity to promote the CPVR system, to have direct contact with applicants and to provide information to breeders. However, due to the COVID-19 pandemic, the International Trade Fair for Plants (IPM) in Essen, Germany, a fair to which the CPVO regularly participates in a joint stand with the Bundessortenamt, Naktuinbouw and GEVES was cancelled. For the same reason, the CPVO did not participate in other fairs or held any events for plant breeders.

14.2.3. The African Intellectual Property Organisation roadmap

In 2014, OAPI became the second intergovernmental organisation and the seventy second member to join UPOV. OAPI adopted an ambitious 5-year roadmap, from 2015 to 2020, which they are eagerly pursuing. The CPVO, GEVES, the French Association for Seeds and Seedlings (GNIS), Naktuinbouw, and the United States Patent and Trademark Office are supportive of this initiative and are actively supporting its implementation.

OAPI operates a PVR system that covers the territory of its 17 Member States: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Ivory Coast, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal, and Togo.

The European Commission signed an agreement with OAPI in mid-2019 followed by a formal opening procedure held on 23 September 2019. The project was initially limited to 2019-2021 but due to the COVID-19 pandemic extended until the end of 2022.

In 2022 the project adapted to the COVID-19 pandemic by organising virtual and hybrid events, in order to carry on with the implementation of the roadmap, thanks to the extension granted by the European Commission.

The project successfully carried out six regional and national seminars in 2022 involving OAPI Member States in the sharing of EU and African experiences on several aspects of the Plant Variety protection. Namely, the focus of the events was on commercialisation of new plant varieties, the valorisation of research and development in the plant variety sector, the importance of innovation and intellectual property to secure investment in the breeding sector and to benefit the agricultural system at large, by enabling the use of safer and better performing varieties.

In February 2022, a virtual progress meeting was made between the QAS Team, OAPI and representatives of the examination offices in Burkina Faso, Cameroon, Ivory Coast and Senegal, to review the progress effected by the aforesaid African authorities in 2021 with regards to their DUS testing capabilities. The QAS made virtual follow-up visits to Cameroon in March 2022 and to Burkina Faso in May 2022, as well as on-site visits to Senegal at the end of March 2022 and to Ivory Coast in mid-May 2022 to evaluate in greater detail the structural improvements made in all four countries with respect to DUS testing during the previous 2 years. A detailed report was subsequently produced by the QAS to OAPI in June 2022, which provided further guidance and recommendations that the four countries should implement with respect to DUS testing in several crops.

At the end of 2022, the progress made in the processing of applications was assessed. The program helped OAPI to streamline the application process by identifying other authorities from where examination results could be taken over, to identify examination offices that could carry out technical examinations on their behalf, to establish contacts with experts outside their own premises, or to involve breeders in the examination process.

14.2.4. IP Key Latin America (LA) and AL INVEST PI

Under the 2022 annual working plan (AWP) the results of the study on the PVR legislation of Ecuador carried out in 2021 was presented to Ministries in Ecuador during a seminar that took place on 25 May 2022.

In October 2022 together with the project AL INVEST PI, IPKey Latin America realised a webinar (with more than 400 participants) on licensing of plant variety rights, partially relying on the content developed for the learning course on licensing plant varieties ("Laboratorio de Contratos de Licencias de Variedades Vegetales").

In November 2022 the project organised an enforcement seminar, carried out in cooperation with UPOV and national authorities of the Region.

14.2.5. IPKey China

During 2022 the CPVO cooperated with IPKey China to the organisation of a seminar concerning the new seed law of China, where the main amendments were presented to EU representative of the public and private sector.

14.2.6. IPKey South-East Asia (SEA)

In the framework of the IP Key SEA project, as part of the extension period of the 2021 project (phase 1), an awareness raising webinar was held on 17 January 2022. This activity is a follow-up to prior activities on plant variety protection aimed at promoting effective plant variety protection systems in SEA in order to support the UPOV 1991 Act accession of countries in the region. The activity highlighted the benefits that PVP brings to socio-economic development and its contribution to agricultural sustainability. The webinar also addressed the issues raised concerning PVP and UPOV 1991 accession.

The webinar was followed the day after by a closed workshop for target countries to support accession of SEA countries to the UPOV 1991 convention. The activity sought to promote UPOV 1991 accession of countries in SEA by supporting the creation of a regional platform that would reduce the administrative burden for EU breeders to apply for protection of their PVRs and improve the registration procedures in the participating countries.

14.2.7. AfrIPI

The Pan-African project on Intellectual Property Rights (Africa Intellectual Property Rights and Innovation Project - AfrIPI) was officially launched in August 2021.

In 2022, due to project constraints, no activity was carried out.

14.2.8. CarIPI

In 2022 the CPVO participated to two events organised under the CarIPI project. In May 2022 CarIPI, together with the CPVO and UPOV, organised an in-person seminar on Regional Cooperation in PVR in the Dominican Republic. The other activity, carried out in September 2022, concerned the protection of plant genetic resources, traditional knowledge and folklore and the interfaces with the PVR System.

14.2.9. TAIEX

The CPVO in 2022 cooperated with three different countries (Dominican Republic, Chile and Saint Vincent and the Grenadines) in the implementation of TAIEX activities, together with experts from EU Member States.

The activities were all targeting PVR authorities, to support them in the implementation of the national PVR system, including administrative procedures for the management of the application process, technical examination and guidelines on administrative proceedings before PVR offices.

Officials of the Dominican Republic have also carried out a study visit to EU Member States, as a follow-up of the experts' mission.

14.2.10. Universities

In 2022, the CPVO continued its collaboration with universities with the aim of spreading awareness on the PVP system in the academic community. The CPVO continued its collaboration with the Universities of Alicante (ES) (Magister Lvcentinvs), University of Stockholm, Maastricht University, LUISS University of Rome (IT). The CPVO also provided lecture to the ICEA (Institut Catalan d'Estudis Agraris – Catalan Institute of Agrarian Studies). Several successful internships at the CPVO were granted to former students at these universities' Masters in IP Law.

In particular, the CPVO supports the Magister Lvcentinvs, the master in IP of the University of Alicante, that continues implementing a special intensive course dedicated to PVRs.

The CPVO has also provided lectures at local universities, including the Ecole Supérieure d'Agriculture (ESA) and the ESSCA School of management of Angers (FR).

15. PUBLIC ACCESS TO DOCUMENTS

In 2001 specific rules on public access to documents held by the Parliament, the Council and the European Commission were introduced by the adoption of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. In order for these rules to also apply to documents held by the CPVO, a new article, Article 33(a), was introduced into the BR in 2003 by the adoption of Council Regulation (EC) No 1650/2003 of 18 June 2003 amending Regulation (EC) No 2100/94 on CPVR.

Article 33(a) contains the following elements.

- Regulation (EC) No 1049/2001 shall also apply to documents held by the CPVO, and by its Board of Appeal. This provision entered into force on 1 October 2003.
- The AC shall adopt practical arrangements for implementing Regulation (EC) No 1049/2001. The AC adopted such practical arrangements on 25 March 2004. These rules entered into force on 1 April 2004.
- Decisions taken by the CPVO on public access to documents may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice.

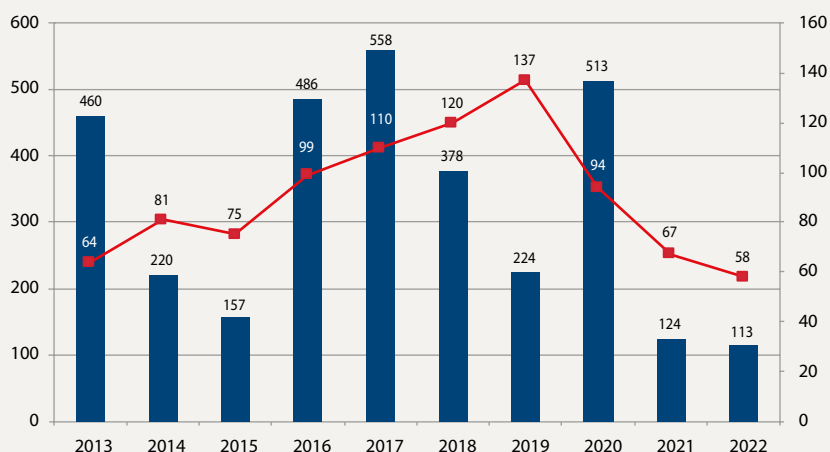
Regulation (EC) No 1049/2001 and the rules adopted by the AC (modified during the October 2014 meeting of the AC to reflect the new work organisation within the Legal Unit of the CPVO and modified during the September 2019 meeting of the AC to reflect the new work organisation within the Board of Appeal of the CPVO, and its registry) are available on the website of the CPVO. Information on these rules and the forms to use when requesting access to a document are also published on the website of the CPVO.

The CPVO monitors the implementation and application of the rules on public access to documents by reporting annually on information such as the number of cases in which the CPVO, and its Board of Appeal refused to grant access to documents, and the reasons for such refusals. In the event of a total or partial refusal to a public access request by the

Figure 18

Evolution of annual number of public access requests received by the CPVO and its Board of Appeal registry over the last 10 years.

■ Number of files concerned
 ◆ Number of requests



CPVO or its Board of Appeal, the applicant has the right to make a confirmatory application asking the president of the CPVO or the chair of the Board of Appeal to reconsider its position.

Table 25: Number of public access requests

Year of receipt	Number of requests for access received	Number of partial refusals	Reasons for such refusals	Confirmatory applications
2004	30	6	Confidential technical questionnaire not sent	
2005	55	2	Confidential technical questionnaire not sent	
2006	58	6	Confidential technical questionnaire not sent	
2007	55	17	Confidential technical questionnaire not sent/ information of commercial interest not sent	2 (successful)
2008	57	19	Confidential technical questionnaire/ photo/ assignment not sent	1 (unsuccessful)
2009	54	28	Confidential technical questionnaire not sent/ information of commercial interest not sent/photos not available	2 (successful)
2010	63	29	Confidential technical questionnaire not sent/ information of commercial interest not sent	1 (unsuccessful)
2011	71	27	Confidential technical questionnaire not sent/ information of commercial interest not sent	2 (1 unsuccessful and 1 successful)
2012	88	57	Confidential technical questionnaire not sent/ information of commercial interest not sent	8 (3 unsuccessful and 5 successful)
2013	63	18	Confidential technical questionnaire not sent/ information of commercial interest not sent	1 (unsuccessful)
2014	81	27	Confidential technical questionnaire not sent/ information of commercial interest not sent	4 (1 unsuccessful and 3 successful)
2015	75	17	Confidential technical questionnaire not sent	3 (2 unsuccessful and 1 successful)
2016	99	26	Confidential technical questionnaire not sent	4 (successful)
2017	110	45	Confidential technical questionnaire not sent	2 (1 unsuccessful and 1 successful)
2018	120	35	Confidential technical questionnaire not sent	2 (1 unsuccessful and 1 successful)
2019	137	39	Confidential technical questionnaire not sent	4 (3 unsuccessful and 1 successful)
2020	94	38	Confidential technical questionnaire not sent	3 (3 successful)
2021	67	13	Confidential technical questionnaire not sent (12) Parts of the contracts covered by a confidentiality agreement not sent (1)	1 (1 successful)
2022	58	19	Confidential technical questionnaire not sent	1 (1 unsuccessful)

16. REPORT OF THE DATA PROTECTION OFFICER

16.1. Legal background

As Agency of the EU, the CPVO must comply with the obligations stemming from Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (EUDPR).

16.2. Role and tasks of the Data Protection Officer

Regulation (EU) No 2018/1725 requires that each EU institution, agency and body designates a data protection officer. The DPO should ensure, in an independent manner, the internal application of the provisions in the Regulation and that the rights and freedoms of the data subjects are unlikely to be adversely affected by the processing operations.

In March 2018, an addendum to the Memorandum of Understanding between the CPVO and the EUIPO was signed to outsource the tasks of the DPO to the EUIPO. The cooperation in the field of data protection was extended by virtue of the service-level agreement between the EUIPO and the CPVO, which entered into force on 21 July 2021.

The DPO of the CPVO is Ms Gloria Folguera Ventura, who is also the DPO of the EUIPO, and together with her team, provided the DPO services to the CPVO in 2022. The CPVO data protection coordinator (DPC), Ms Ángela Martínez, led the coordination on data protection matters at the CPVO, in support of the DPO and the CPVO delegated controllers.

In a nutshell, the tasks of the DPO described in article 45 EUDPR are aimed at the following (among others).

- Ensuring and demonstrating legal compliance with the applicable EU data protection legislation.
- Guaranteeing a high level of transparency and accountability of the CPVO policies, procedures and practices, as well as of security for the data subjects (including both CPVO staff members and external users) in the exercise and enforcement of their rights.
- Raising awareness of the applicable data protection legislation and its application within the remit of the CPVO functions, as reflected in the CPVO policies and procedures implementing data protection provisions.

16.3. Report of the Data Protection Officer for 2022

An overview of the core tasks performed by the DPO in the year 2022 is herewith provided.

16.3.1. Consultation and review of data processing operations

The DPO regularly responds to consultations relating to privacy and data protection matters and reviews the documentation of the new or updated personal data processing operations.

Throughout the course of 2022, the DPO provided regular advice to the CPVO DPC and to the CPVO delegated controllers, handling a total of 40 consultations.

16.3.2. CPVO Register of Records

As an Agency of the EU, the CPVO is required to make its register of data protection records publicly accessible, in accordance with Article 31(5) of Regulation (EU) No 2018/1725. To this end, the CPVO holds and maintains its centralised public Register of Records on the processing of personal data in the framework of the operations carried out within the remit of the CPVO. Each of these records contains the elements of information required as per Article 31(1) of Regulation (EU) No 2018/1725. In 2022, the Register contained 74 records and it is regularly reviewed by the DPC with the assistance of the DPO.

16.3.3. Full deployment of Microsoft Office 365

The CPVO kept monitoring IT and data protection related developments concerning Microsoft Office 365 Desktop and its Online application services, in line with the recommendations of the EDPS. The CPVO identified a new functionality offered by Microsoft Office 365, namely, the functionality of simultaneous multilingual interpretation, and integrated this functionality into its toolkit of functionalities for the specific purpose of interpretation services during oral hearings before the CPVO and of the Board of Appeal. The use of the alternative information communication technology (ICT) tool for simultaneous multilingual interpretation was stopped.

16.3.4. Data Protection Impact Assessments and Risk Assessments

According to Article 39 of the Regulation (EU) No 2018/1725, the CPVO as an Agency of the European Union is required to perform data protection risk assessment (DPRAs) prior to the implementation of new ICT tools at the CPVO, as well as DPIAs when the processing is suspected to lead to high risks for individuals.

In 2022, the CPVO carried out four DPRAs to assess the risks (in terms of personal data) arising from specific processing operations.

16.3.5. Requests and Complaints of data subjects

The remit of the DPO tasks also encompasses ensuring that requests and/or complaints filed before the DPO either internally (by staff members) or externally (by the CPVO users or external stakeholders) are appropriately responded, as well as carrying out the corresponding investigations where necessary. In 2022, no data subject requests or complaints were received by the CPVO and no DPO investigations were carried out.

16.3.6. Data breaches

Six data breaches took place at the CPVO in 2022. Based on their low impact on the protection of individuals, none of them was reported to the EDPS. The analysis of the cases and the subsequent drafting of the data breaches reports was performed within the required time limits under the guidance of the DPO, and preventive and mitigating measures commensurate with the circumstances of the breaches were adopted. Two minor security incidents were also reported.

16.3.7. International Transfers

The domain of international transfers of personal data in the remit of the CPVO was one of the core priorities and areas of work during the year 2022. The CPVO DP team took very seriously the remarks of the EDPS regarding international transfers and conducted an exhaustive in-depth review of international transfers throughout the summer of 2022. A Register of International Transfers was set up and made available in the CPVO internal inventory. The corresponding 31 CPVO international transfer fiches were created, along with an excel sheet listing them and with an explanatory note.

By means of this exercise, the DPO confirmed that most recipients of personal data outside the EU are service providers (such as Microsoft) or public authorities and international organisations. The CPVO also provides access to some data at worldwide level via its Register of Public Access to Documents Requests and Register on case - law (PVR case-law), both available on the CPVO website. The transfer instruments relied on by the CPVO are mainly standard contractual clauses (SCCs), explicit consent and register derogations.

As an outcome of the overall exercise of review, the DPO and DP team identified some ICT tools relied on by the CPVO as entailing risks linked to the international transfers taking place. A plan was developed to tackle these risks, including, amongst others, actions such as the setting aside of some of these ICT tools.

16.3.8. Visit of the DPO and the Deputy DPO to the CPVO

In November 2022, the CPVO welcomed at its premises its DPO and the Deputy DPO, for a 2-day session encompassing several workshops for the CPVO staff members. The president of the CPVO opened the session with a welcome speech, following which several presentations by the CPVO senior management were provided to the DPO and the deputy

DPO on diverse matters regarding developments in the Community plant variety rights' system. The DPO and the deputy DPO then provided several presentations to the CPVO management including, amongst others: proposals for a simplified and efficient data protection risk framework; information about new data protection tools; CPVO 2023 data protection objectives; and summary of the outcome of the international transfers' review exercise. Lastly, one-on-one conversations with the delegated controllers were held to address their concerns regarding data protection matters.

16.3.9. Training to CPVO staff members

The DPO and the CPVO DP team are committed to raising awareness on the importance of data protection and to keeping the CPVO staff members abreast of any relevant development in the field. To this end, regular training is provided to the CPVO staff members.

In May 2022 an awareness session on data breaches was provided by the DP team to the CPVO staff members, and in October 2022, general training on data protection matters for newcomers was provided by the CPVO DPC. These sessions also prove important as mitigating measures *vis-à-vis* risks arising from the daily use of ICT tools at the CPVO. Some staff members of the CPVO attended the EUIPO-organised event during Data Protection Day of 2022

In addition, the CPVO newcomers (new CPVO staff and trainees) completed the EDPS course 'EUDPR fast track training course for practical application in your daily task' (available via the EU Learn portal), made mandatory by the CPVO as of June 2021 for the CPVO staff members and data protection trainees.

16.3.10. Cooperation

During 2022, the DPO actively participated in different networks, co-chairing the DPOs working group on international data transfers, being an active member of the ICTAC-DPOs network and chairing the DPOs Iberia network. Through these channels, cooperation with other EUIs was enhanced, including an exchange of views and best practices impacting positively on the CPVO's data protection framework. As a result of this activity, clarifications with DIGIT were obtained on the SIDE-II framework contract, strong cooperation with the EDPS in the area of data transfers was achieved and progress was made on the administrative arrangement template for transfers between EUIs and international organisations. Finally, a comparative table between EUDPR and General Data Protection Regulation (GDPR) was drafted within the DPOs Iberia network. The DPO also participated actively in the working group on the Future of the DPOs Network to discuss about the future mandate, governance and cooperation activities of this network.

17. APPEAL PROCEDURES

17.1. Composition of the Board of Appeal of the CPVO

The Board of Appeal of the CPVO is composed of a chair, an alternate chair, and qualified members.

17.1.1. Chair and Alternate of the Board of Appeal

Mr Paul van der Kooij was appointed as Chair of the Board of Appeal for a term of 5 years by a Council decision of 19 February 2018 (OJ C 65, 21.2.2018, p. 4). His term runs from 19 February 2018 until 18 February 2023.

Mr Marcus Navin-Jones was appointed as Alternate to the Chair for a term of 5 years by a Council decision of 20 December 2021 (OJ C 27, 19.1.2021, p. 16). His term runs from 20 February 2022 until 19 February 2027.

17.1.2. Qualified Members of the Board of Appeal

The AC of the CPVO at its meeting of 30 September 2020 adopted, in accordance with Article 47(2) of the BR, the following list of 20 qualified members of the Board of Appeal for a period of 5 years, from 23 February 2021 to 22 February 2026.

Table 26: List of qualified members (from 23.2.2021 to 22.2.2026)

1. Richard Brand	11. Axel Metzger
2. Adrián Crespo	12. Cinzia Negro
3. Paul de Heij	13. André Pohlmann
4. Ellen De Keyser	14. Dirk Reheul
5. Willy Dillen	15. Kurt Riechenberg
6. Huib Ghijsen	16. Beate Rücker
7. Ofelia Kirkorian-Tsonkova	17. Ivana Dugalić
8. Hidde Koenraad	18. Zsolt Szani
9. Stefan Martin	19. Nuria Urquía Fernández
10. Virginia Melgar	20. Kees van Ettekoven

17.2. Decisions of the Board of Appeal in 2022

Case A002/2021 – ‘Cripps Pink’ – *Malus domestica* Borkh.

Contested decision: the CPVO Decision of 23 November 2020 rejecting the request to amend the entry in the Register of CPVRs as regards the expiry date of the CPVR certificate EU1640 of 15 January 1997.

On 11 January 2022, the Board of Appeal composed of the Chair, the Rapporteur (Mr Paul de Heij), and the third member (Mr Axel Metzger) rejected the appeal as inadmissible. The intervention was also rejected as inadmissible.

The Board considered that the appellant did not provide convincing arguments for the Board to deviate from the reasoning of the General Court in its decision on the 'Siberia' case (T-737/18) on the balancing of the need for legal certainty with the correct application of law. The Board of Appeal also recalled that the rejection of a request to amend the entry into the Register is not a decision subject to appeal as referred to in Article 67(1) of the Basic Regulation. The Appellant had to bear the costs of the appeal proceedings, other than the costs of the intervener. The costs of the intervention had to be borne by the intervener.

Case A018/2021 – 'SK20' - *Allium cepa* (Cepa group)

Contested decision: CPVO Decision 58241 of 3 May 2021.

On 1 July 2022, the Board of Appeal composed of the Chair, the Rapporteur Mr Richard Brand, and the third member Ms Virginia Melgar rejected the appeal as inadmissible based on the consideration that the Appellant did not qualify as losing party as the CPVR was granted, that the CPVO has no obligation to test additional characteristic once the candidate variety has been found distinct from the common knowledge in at least one characteristic and the relevant power of the president to do so is discretionary. The appellant had to bear the costs of the appeal proceedings.

Case A014/2020 – 'BRAEBURN 78' – *Malus domestica* Borkh.

Procedural decision of 9 November 2022 concerning an objection raised pursuant to Art. 48 of the BR.

On 9 November 2022, the Board of Appeal composed of Mr Marcus Navin-Jones as Alternate Chairperson, Mr Hidde Koenraad as the Legally Qualified Member, and Mr Dirk Reheul as the Technically Qualified Member, dismissed the objection raised by the Appellant on 16 May 2022 concerning the remove of the Chairperson from adjudicating in Case A014/2020, for suspicion of partiality.

Case A021/2021 – 'Vineta' – *Solanum tuberosum* L.

Contested decision: CPVO Corrigendum of 1 October 2021 amending the duration of title EU527.

On 14 December 2022, the Board of Appeal composed of the Chair, the Rapporteur Mr Kurt Riechenberg, and the third member Ms Cinzia Negro decided to uphold the appeal and to order to annul the contested decision, hence reinstating the initial date of expiration of the right. The decision of the Board of Appeal was based mainly on the consideration

that there is no provision allowing the CPVO to alter a right validly granted and the public interest is not a general principle that can justify it. Legal certainty principle shall prevail. The CPVO had to bear the costs of the appeal proceedings.

Case A024/2021 – ‘BELSEMRED1’ – *Sempervivum arachnoideum* L.

Contested decision: CPVO decision NN28 of 18 October 2021.

On 16 December 2022, the Board of Appeal composed of the Chair, the Rapporteur Mr Adrian Crespo, and the third member Ms Ellen De Keyser rejected the appeal as inadmissible based on the consideration that the CPVO had not breached the general rules of procedure, that the CPVO had acted within the acceptable scope of its discretion when investigating facts on its own motion and had correctly applied the burden of proof for nullity petitions and, finally, that the applicant had not provided sufficient evidence to justify a new DUS test. The appellant had to bear the costs of the appeal proceedings.

Summaries and complete decisions are available in the CPVO PVR case-law database, on the CPVO website.

17.3. Further actions to the Court of Justice in 2022

In accordance with Article 73 of the BR, a further action to the Court of Justice can be brought against decisions of the Board of Appeal.

17.3.1. New further actions in 2022

Case T-556/22 was lodged with the General Court on 8 September 2022 against decision A018/2021 of 1 July 2022 of the Board of Appeal of the CPVO for the apple variety ‘SK20’ (*Malus domestica* Borkh.).

17.3.2. State of affairs of the further actions lodged with the Court of Justice

Table 27: Further actions lodged with the Court of Justice

Case No before the General Court	Contested decision	Variety denomination	Date of General Court ruling	Date of further appeal to the Court of Justice	Case No before the Court of Justice	Date of Court of Justice ruling
T-95/06	A001/2005	Nadorcott	31.1.2008	n/a	n/a	n/a
T-187/06	A003/2004	Sumcol 01	19.11.2008	29.1.2009	C-38/09 P	15.4.2010
T-187/06 DEP I	Non-payment of recoverable costs of the proceedings T-187/06	Sumcol 01	16.9.2013	n/a	n/a	n/a
n/a	n/a	Sumcol 01	N/A	7.2.2013	C-38/09 P-DEP	10.10.2013
T-133/08	A007/2007	Lemon Symphony	18.9.2012	28.11.2012	C-546/12 P	21.5.2015
T-134/08	A006/2007	Lemon Symphony	18.9.2012	28.11.2012	C-546/12 P	21.5.2015
T-135/08	A003/2007 and A004/2007	Gala Schnitzer	13.9.2010	15.11.2010	C-534/10 P	19.12.2012
T-177/08	A005/2007	Sumost 01	18.9.2012	28.11.2012	C-546/12 P	21.5.2015
T-242/09	A010/2007	Lemon Symphony	18.9.2012	28.11.2012	C-546/12 P	21.5.2015
T-367/11	A007/2010	Southern Splendour	21.10.2013	n/a	n/a	n/a
T-91/14	A004/2007	Gala Schnitzer	10.9.2015	23.11.2015	C-625/15 P	8.6.2017
T-92/14	A003/2007	Gala Schnitzer	10.9.2015	23.11.2015	C-625/15 P	8.6.2017
T-767/14	A007/2013	Oksana	13.7.2017	n/a	n/a	n/a
T-140/15	A010/2013	M02205	23.11.2017	n/a	n/a	n/a
T-425/15	A003/2010	Seimora	4.5.2017	n/a	n/a	n/a
T-426/15	A002/2014	Seimora	4.5.2017	n/a	n/a	n/a
T-428/15	A007/2009	Sumost 02	4.5.2017	n/a	n/a	n/a
T-177/16	A001/2015	Braeburn 78	5.2.2019	n/a	n/a	n/a
T-445/16	A005/2014	Gala Schnico	23.2.2018	7.5.2018	C-308/18 P	8.11.2018
T-405/16	A006/2014	Tang Gold	Withdrawn	n/a	n/a	n/a
T-765/17	A005/2016	Pinova	11.4.2019	11.6.2019	C-444/19 P	16.9.2019
T-112/18	A007/2016	Cripps Pink	24.9.2019	3.12.2019	C-886/19 P	3.3.2020
T-737/18	A009/2017	Siberia	25.6.2020	n/a	n/a	n/a
T-278/19	A010/2013-RENV	M 02205	13.3.2020	n/a	n/a	n/a
T-181/20	A008/2018	Stark Gugger	14.1.2021			
T-182/20	A004/2016	Gala Perathoner	14.1.2021			
T-556/22	A018/2021	SK20	pending			

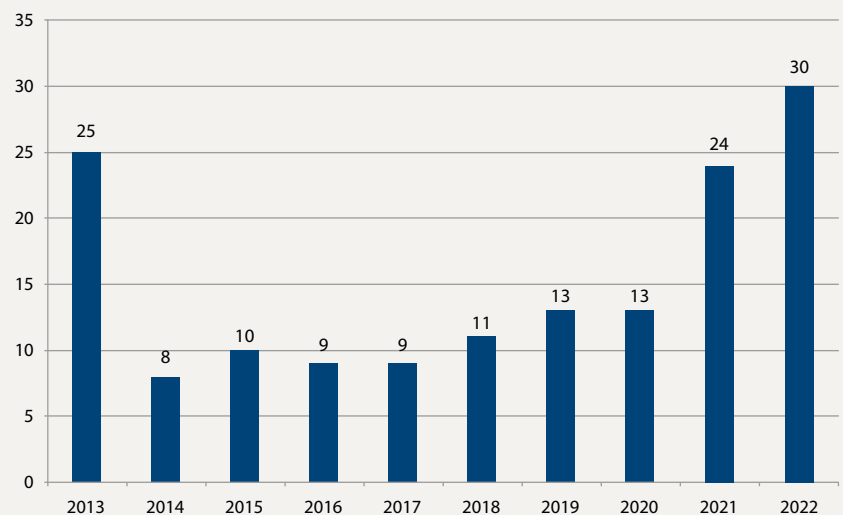
17.4. Appeals received by the CPVO and decisions reached by the Board of Appeal since its inception (statistics)

17.4.1. Number of notices of appeal lodged with the Board of Appeal

300 notices of appeal were lodged with the CPVO Board of Appeal since the opening of the CPVO.

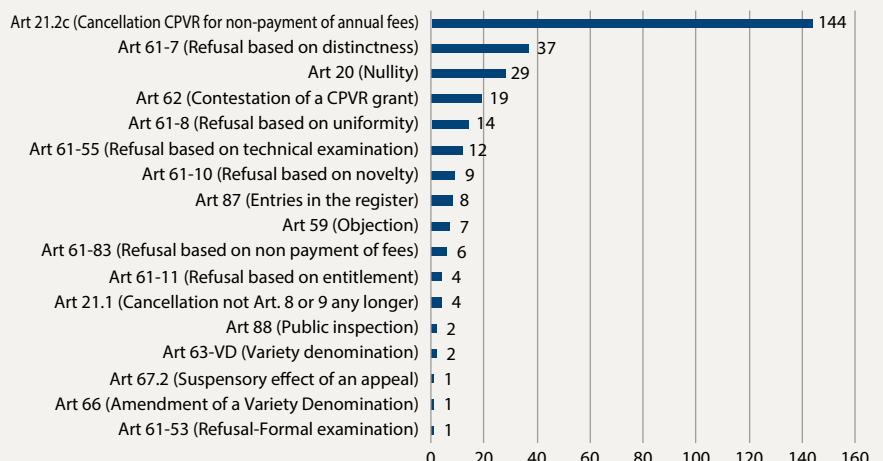
The annual number of appeals received in the last 10 years is shown in Figure 19.

Figure 19
Number of notices of appeal received per year between 2013 and 2022



17.4.2. Legal basis of the appeals since 1996 (with reference to the BR) and number of cases

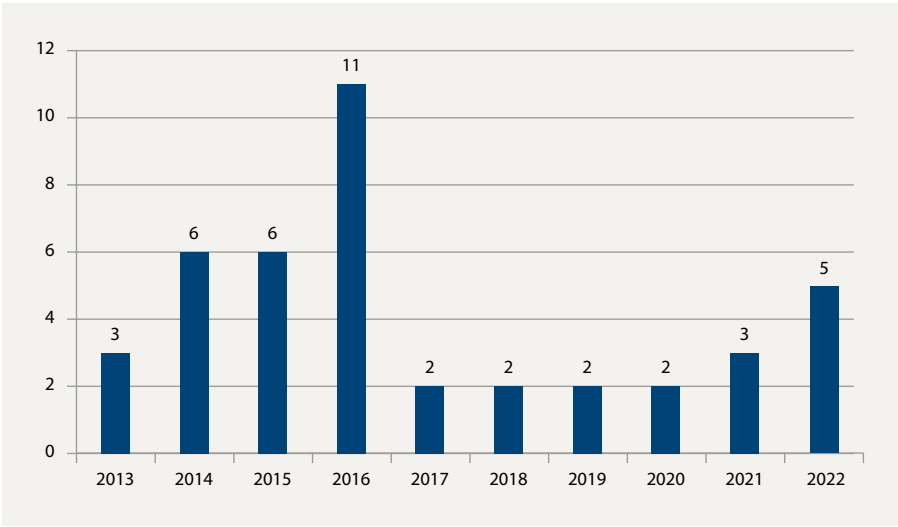
Figure 20
Legal basis of the appeals since 1996 and number of cases



17.4.3. Decisions of the Board of Appeal per year

A total of 96 decisions on appeal cases and one procedural decision were taken by the Board of Appeal of the CPVO between 1996 and 2022. The annual number of decisions taken in the last 10 years is shown in Figure 21.

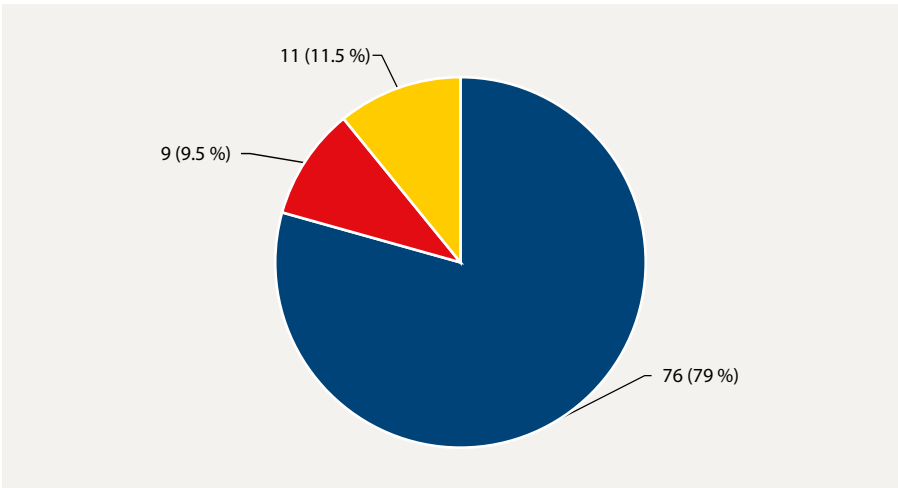
Figure 21
Number of decisions reached by the Board of Appeal per year over the last 10 years



17.4.4. Outcome of the 96 decisions of the Board of Appeal (1996-2022)

Figure 22
Outcome shares of all decisions of the Board of Appeal (1996-2022)

- Appeals dismissed
- Appeals partially upheld
- Appeals upheld



The references of the decisions taken by the Board of Appeal are given in the following table.

Table 28: Appeal cases and Board of Appeal decision dates since 1999

Year	Appeal case number and Board of Appeal decision date
1999	A002/1998 of 14.9.1999
2000	A001/1999 of 25.1.2000 A002/1999 of 19.5.2000
2001	A002/2000 of 27.3.2001 A004/2000 of 6.12.2001
2002	A005/2000 of 28.5.2002
2003	A005/2002 of 2.4.2003 A001/2002, A002/2002 and A003/2002 of 1.4.2003 A018/2002 of 14.5.2003 A008/2002, A009/2002, A010/2002, A011/2002, A012/2002 and A013/2002 of 15.5.2003 A017/2002 of 3.4.2003 A023/2002 of 8.10.2003 A031/2002 of 8.12.2003 A021/2002 of 9.12.2003
2004	A003/2003 and A004/2003 of 4.6.2004 A005/2003 and A006/2003 of 28.9.2004 A001/2004 of 16.12.2004
2005	A006/2004 of 15.6.2005 A005/2004 of 16.6.2005 A004/2004 of 18.7.2005 A001/2005 of 8.11.2005
2006	A003/2004 of 2.5.2006 A004/2005 of 13.10.2006 A007/2005 of 7.7.2006
2007	A001/2007 of 11.9.2007 A003/2007 and A004/2007 of 21.11.2007 A005/2007, A006/2007 and A007/2007 of 4.12.2007
2008	A011/2007 of 9.9.2008 A009/2008 of 2.12.2008 A001/2008 and A002/2008 of 4.12.2008
2009	A010/2007 of 23.1.2009 A004/2008 and A005/2008 of 21.4.2009 A010/2008 and A011/2008 of 8.10.2009
2010	A018/2008 of 15.3.2010
2011	A001/2010, A005/2010, A006/2010 and A007/2010 of 18.2.2011
2012	A009/2011 of 17.1.2012 A001/2012 of 10.10.2012
2013	A003/2007 and A004/2007 of 20.9.2013 (second decisions for the same cases further to remittal from the Court of Justice) A007/2011 of 23.4.2013

Year	Appeal case number and Board of Appeal decision date
2014	A006/2013 of 13.1.2014 A004/2013 of 4.4.2014 A008/2013 of 1.7.2014 A007/2013 of 2.7.2014 A016/2013 of 11.9.2014 A010/2013 of 26.11.2014
2015	A007/2009 of 24.2.2015 A002/2010 of 24.2.2015 A003/2010 of 24.2.2015 A002/2014 of 24.2.2015 A001/2015 of 15.12.2015 A002/2015 of 15.12.2015
2016	A001/2014 of 3.3.2016 A003/2014 of 3.3.2016 A005/2014 of 22.4.2016 A006/2014 of 29.4.2016 A007/2014 of 29.4.2016 A008/2014 of 29.4.2016 A006/2015 of 15.8.2016 A009/2015 of 22.8.2016 A005/2007-RENV of 2.9.2016 A006/2007-RENV of 2.9.2016 A007/2007-RENV of 2.9.2016
2017	A005/2016 of 16.8.2017 A007/2016 of 14.9.2017
2018	A001/2017 of 13.3.2018 A009/2017 of 15.10.2018
2019	A010/2013-RENV of 27.2.2019 A007/2018 of 17.5.2019
2020	A004/2016 of 17.1.2020 A008/2018 of 24.1.2020
2021	A003/2020 of 12.4.2021 A009/2020 of 01.6.2021 A013/2020 of 03.11.2021
2022	A002/2021 of 11.1.2022 A018/2021 of 1.7.2022 A014/2020 of 9.11.2022 (procedural decision) A021/2021 of 14.12.2022 A024/2021 of 16.12.2022

The detailed decisions of the Board of Appeal are available in the CPVO case-law database, on the CPVO website.

18. CONFLICTS OF INTEREST

Apart from the decision-making process relating to the core business of the CPVO, there are other decisions and procedures in the CPVO in which impartiality and objectivity are very important, such as employment procedures, public procurement and providing funds for R & D projects. Regarding employment procedures in particular, the CPVO staff members are subject to the staff regulations, which contain several provisions addressing situations of conflicts of interest. Nevertheless, over the years, procedures, provisions in agreements and declarations of absence of conflicts of interest have been introduced to remind the persons concerned about the importance of acting independently, with transparency, and with integrity.

In 2022, the CPVO further revised and updated the policy on prevention and management of conflict of interest, which was initially adopted by the AC during its meeting in October 2015 and then amended in 2021 with the aim to enhance the transparency of the CPVO, provide a more accurate and exhaustive text (including in the declaration of interest's templates) and update the rules in place to bring greater consistency with other internal procedures or the CPVO's practice. This last revision reflects the new organizational structure of the CPVO and make references to new decisions and practices. The updated policy also integrates a part of a separate procedure on conflict of interest in the examination offices, which will be obsolete once the policy has been adopted by the AC in March 2023.

MAIN ACRONYMS, INITIALISMS AND ABBREVIATIONS

Acronym/initialism/ abbreviation	
A	
AC	Administrative Council of the CPVO
AGES	Österreichische Agentur für Gesundheit und Ernährungssicherheit/ Austrian Agency for Health and Food Safety (Austria)
B	
BR	Basic regulation: Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights
BSA	Bundessortenamt/ Federal Plant Variety Office (Germany)
C	
Ciopora	International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties
CAAR	Consolidated Annual Activity Report
COY	Combined over year: a statistical method to analyse over-years results in species with multiannual testing
Coboru	Centralny Ośrodek Badania Odmian Roslin Uprawnych/ Research Centre for Cultivar Testing (Poland)
CPVO	Community Plant Variety Office
CPVR(s)	Community plant variety rights
CREA	Consiglio per la ricerca in agricoltura e l'analisi dell'economia agraria/ Council for Agricultural Research and Agricultural Economics Analysis (Italy)
CREA-DC	Consiglio per la ricerca in agricoltura e l'analisi dell'economia agraria – Difesa e Certificazione/ Council for Agricultural Research and Agricultural Economics Analysis – Research Centre for Plant Protection and Certification (Italy)
D	
DGAV	Direcção-Geral de Alimentação e Veterinária/ Portuguese National Authority for Animal Health
DNA	deoxyribonucleic acid
DPC	data protection coordinator
DPIA(s)	data protection impact assessments
DPRA	data protection risk assessment
DPO	data protection officer
DURDUS	CPVO co-financed project on the use of molecular data for DUS in durum wheat
DTU	Digital Transformation Unit
DUS	distinctness, uniformity and stability
E	
ECO-PB	European Consortium for Organic Plant Breeding
EC	European Commission
EDPS	European Data Protection Supervisor
EO(s)	examination office(s)
EPO	European Patent Office
ER	ER entrustment requirements
EU	European Union

Acronym/initialism/ abbreviation	
EUDPR	European Union Data Protection Regulation
EUIPO	European Union Intellectual Property Office (until 22.3.2016: Office for Harmonization in the Internal Market (Trade Marks and Designs))
Euroseeds	European Seed Association
G	
GAIA	A distinctness support software developed by the French examination office (GEVES)
GDP	gross domestic product
GDPR	General Data Protection Regulation
GEVES	Groupe d'Étude et de contrôle des Variétés et des Semences / French Variety and Seed Study Control Group (France)
GHG	Greenhouse gas
GNIS	Groupement national interprofessionnel des semences et des plants/ National interprofessional group for seeds and plants (France)
H	
HCIN	Head of Communication Inter-Agency Network
HR	Human Resources
I	
ICT	information communication technology tool
ICTAC	Information and communication technology Advisory Committee of the EU agencies
INIA	Instituto Nacional de Investigación y Tecnología Agraria y Alimentaria/ National Institute for Agricultural and Food Research and Technology (Spain)
InnoVar	H2020 project 'Next generation variety testing for improved cropping on European farmland
Imoddis	CPVO workgroup on Integration of Molecular Data into DUS testing
INRAe	Institut National de Recherche pour l'Agriculture l'Alimentation et l'Environnement
INTPA	The European Commission DG International Partnerships
Invite	H2020 project 'INnovations in plant Variety Testing in Europe'
IP	intellectual property
IPR(s)	intellectual property rights
IT	information technology
K	
KzsPAR	A novel homogeneous fluorescent genotyping system from KBioscience
N	
n/a	not applicable
NAKT	Naktuinbouw (Dutch Inspection Service for Horticulture)
NÉBIH	Nemzeti Élelmiszerlánc-biztonsági Hivatal/ National Food Chain Safety Office (Hungary)
NIAB	National Institute of Agricultural Botany (United Kingdom)

Acronym/initialism/ abbreviation	
O	
OAPI	Organisation Africaine de Protection Intellectuelle/ African Intellectual Property Organisation
OECD	Organisation for Economic Cooperation and Development
OEVV	Oficina Española de Variedades Vegetales/ Spanish Plant Variety Office (Spain)
OJ	Official Journal of the European Union
P	
PBR	plant breeders' rights
Plantum	Branchevereniging voor de sector zaden en jonge planten / Dutch Association for the Plant Reproduction Material Sector
PVP	plant variety protection
PVR	plant variety rights
Q	
QAS	Quality Audit Service
R	
R & D	research and development
S	
SEA	South-East Asia
SME(s)	Small and Medium Sized Enterprise(s)
SNE	Seconded National Expert
SNP	single-nucleotide polymorphism
SPD	single programming document
T	
TAIEX	Technical Assistance and Information Exchange instrument of the European Commission
TLO(s)	technical liaison officer
TP(s)	technical protocol
TQB(s)	technically qualified bodies
U	
UKSUP	Ústredný kontrolný a skúšobný ústav poľnohospodársky/ Central Controlling and Testing Institute in Agriculture (Slovakia)
ÚKZÚZ	Ústředního kontrolního a zkušebního ústavu zemědělský/ Central Institute for Supervising and Testing in Agriculture (Czechia)
UPOV	International Union for the Protection of New Varieties of Plants
W	
WOSR	winter oilseed rape
WP	work package



CPVO

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Служба на Общността за сортовете растения

Oficina Comunitaria de Variedades Vegetales

Odrůdový úřad Společenství

EF-Sortsmyndigheden

Gemeinschaftliches Sortenamt

Ühenduse Sordiamet

Κοινοτικό Γραφείο Φυτικών Ποικιλιών

Community Plant Variety Office

Office communautaire des variétés végétales

Ured Zajednice za zaštitu biljnih sorti

Ufficio comunitario delle varietà vegetali

Kopienas Augu šķirņu birojs

Bendrijos augalų veislių tarnyba

Közösségi Növényfajtá-hivatal

L-Uffċju Komunitarju dwar il-Varjetajiet tal-Pjanti

Communautair Bureau voor plantenrassen

Wspólnotowy Urząd Ochrony Odmian

Instituto Comunitário das Variedades Vegetais

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