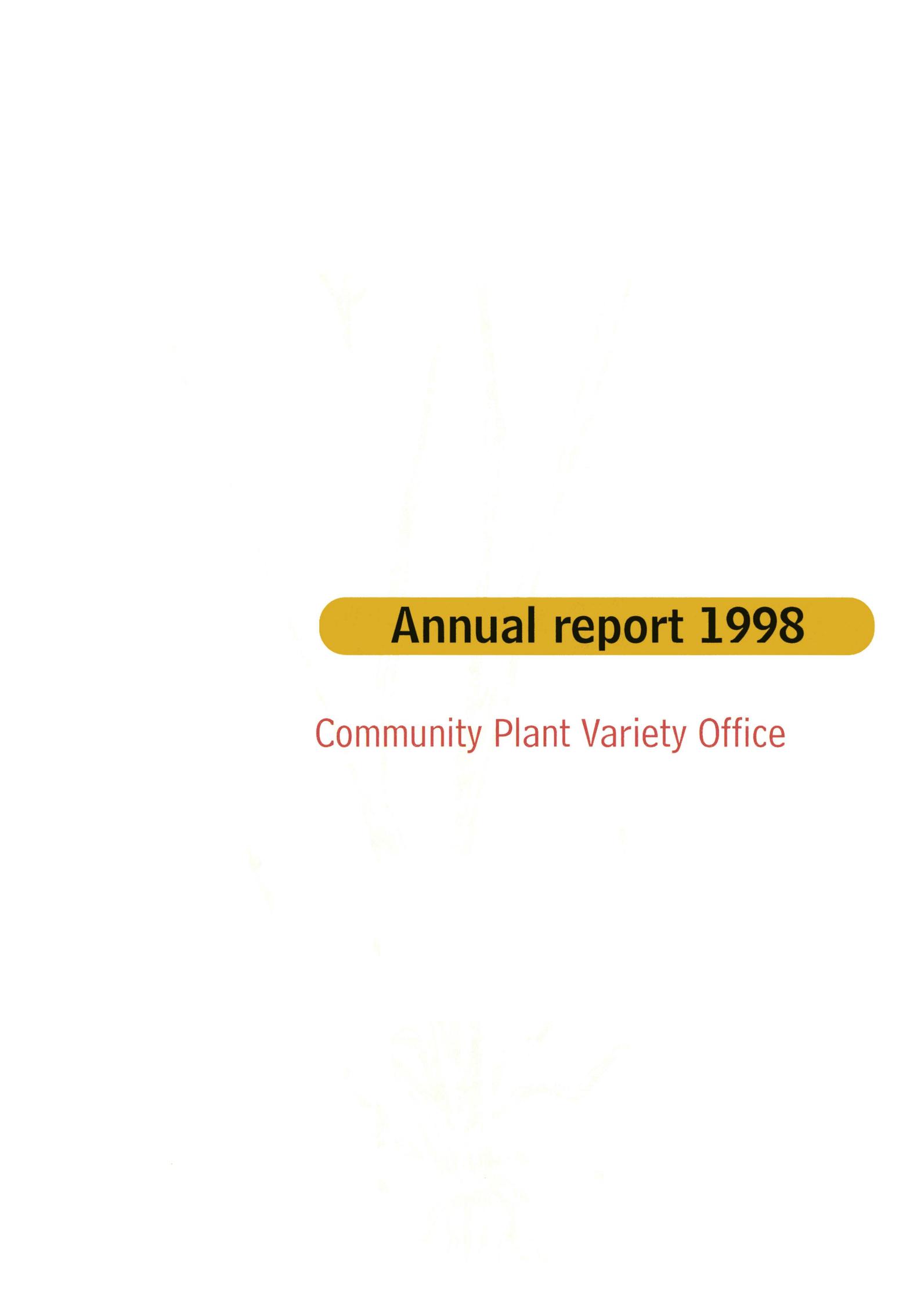


Annual report 1998

Community Plant Variety Office



Community Plant
Variety Office



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A great deal of additional information on the European Union is available on the Internet.
It can be accessed through the Europa server (<http://europa.eu.int>).

Cataloguing data can be found at the end of this publication.

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INTRODUCTION
BY BART KIEWIET,
PRESIDENT OF THE CPVO

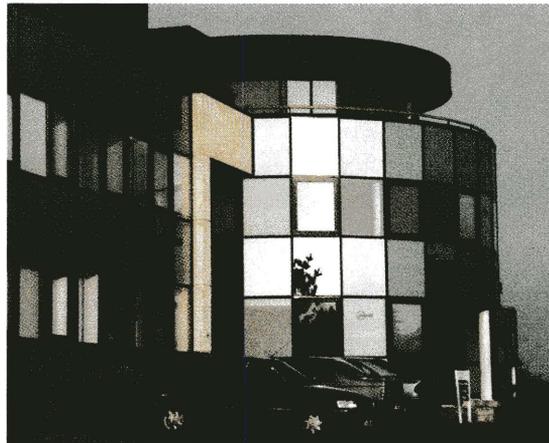


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After 1997, the year in which the Community Plant Variety Office (CPVO) moved to Angers, 1998 can be regarded as a year of stabilisation. The staff complement in many departments was brought up to strength in the course of the year. Rapid progress was achieved with the development of the tailor-made software required for further computerisation of the Office's activities and contacts with national experts at a technical and legal level were formalised. In this regard, the Office is moving increasingly in the direction of what is called, in current jargon, a network organisation.

The financial report shows that the Office's financial position has remained much the same as in previous years, contrary to budgetary forecasts. An internal study conducted by the Office has revealed that if the annual number of applications stabilises and fees remain the same, the Office will have an increasing cash surplus from the year 2000 onwards. I therefore felt it appropriate to initiate discussion in the Administrative Council on a possible change to the fees. No conclusion was reached on this matter in 1998.

As the statistics demonstrate, plant breeders continue to show increasing interest in the Community plant variety rights system. Many breeders are opting for European plant variety rights. The success of the Community system has led to a fall in applications at national level. It is clearly not in the interests of the Office that this should, in the long term, lead to the disappearance of some of the national systems. In the area of technical examinations in particular, the Community system relies to a large extent on the national examination offices. It would therefore appear to be necessary for some fundamental thinking to be done about the place of the national plant variety systems within the European Union as a whole.



From an organisational point of view, the Office has, it is true, not yet reached its optimum capacity, but it can nevertheless be described as a professional organisation which is able to carry out its statutory remit in an effective manner. As the history of the Office shows, and daily experience confirms, building up a Community body operating within the often highly complex framework of Community law is a difficult and

time-consuming task. Although there is by no means any overcapacity, the Office's infrastructure is now such that new tasks could be taken on with relatively minor adjustments. This annual report is not the place to make practical proposals in this regard. Community policy-makers should, however, bear in mind the existence of the Community Plant Variety Office when considering how Community tasks in areas related to the Office's remit should be carried out in the future.

FOREWORD

BY LOUIS VAN EYLEN,

CHAIRMAN OF THE ADMINISTRATIVE COUNCIL



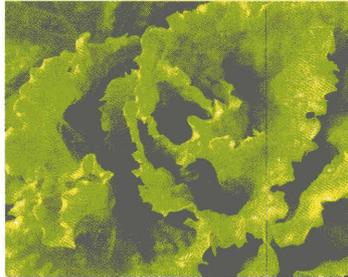
The year 1998 has once again confirmed that the Community plant variety rights system continued to be viewed by many breeders as an attractive alternative to the protection of plant variety rights at national level. As confirmed by the statistics in this annual report, many breeders have once again turned to the Community Plant Variety Office. This system was never intended to totally supplant the various national systems. Clearly, however, the success of the Community system is having a negative impact on the number of applications for national plant variety rights. Hopefully, the competent authorities in the Member States will be able to adjust to this change. It is after all in the interests of breeders that the 'national alternative' should continue to be available in as many countries as possible.

The Administrative Council made provision in this year's budget for the purchase of office premises by the Community Plant Variety Office. This purchase was, incidentally, financed largely by the town of Angers, the department of Maine-et-Loire and the region of Pays de la Loire. The building selected by the Office seems to have been an excellent choice given that it is located in the centre of Angers, near the station, hotels and the Congress Centre.

I should like to conclude by expressing my sincere thanks to members of the Administrative Council and the staff of the Community Plant Variety Office for their efforts in ensuring the smooth operation of the Community system.



THE COMMUNITY **PLANT VARIETY RIGHTS** SYSTEM

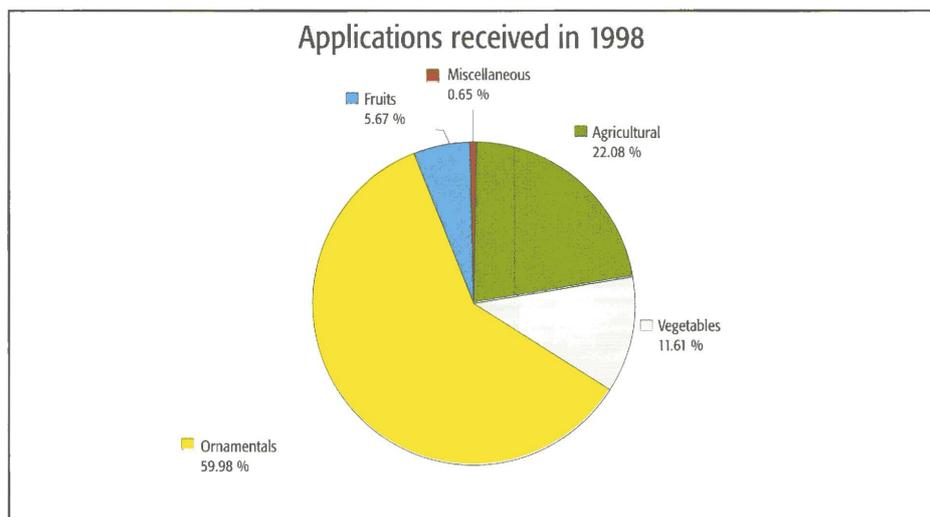


On 27 April 1995 the substantive and procedural parts of Council Regulation (EC) No 2100/94 (hereafter 'the basic regulation') came into force introducing a Community plant variety protection system. Prior to that date, a breeder seeking protection for a new variety in the whole of the territory of the European Union had to make separate applications in each individual Member State. Now, on the basis of a single application to the Community Plant Variety Office (hereafter 'the Office'), a breeder may

be granted protection guaranteeing him exclusive exploitation rights for his variety throughout the EU.

The new system is not intended to replace or even harmonise national systems but rather to exist alongside them as an alternative; indeed, it is not possible for the owner of a variety to hold both a Community plant variety right (CPVR) and a national right simultaneously in relation to that variety. Similarly, a CPVR cannot coexist with a patent. Where a CPVR already exists in relation to a variety, any national right or patent granted for that variety will be ineffective. Where a CPVR is granted in relation to a variety for which a national right or patent has already been granted, the national right or patent is suspended for the duration of the CPVR.

On receipt of an application for a CPVR, the Office must establish that the variety is novel and that it satisfies the criteria of distinctness, uniformity and stability (DUS). The Office may arrange for a technical examination to confirm DUS to be carried out by the competent offices in Member States or by other appropriate agencies outside the European Community. In order to avoid unnecessary duplication of work, where such a technical examination has already been carried out in relation to a variety for official purposes, the Office may, subject to certain conditions, accept the results of that examination.

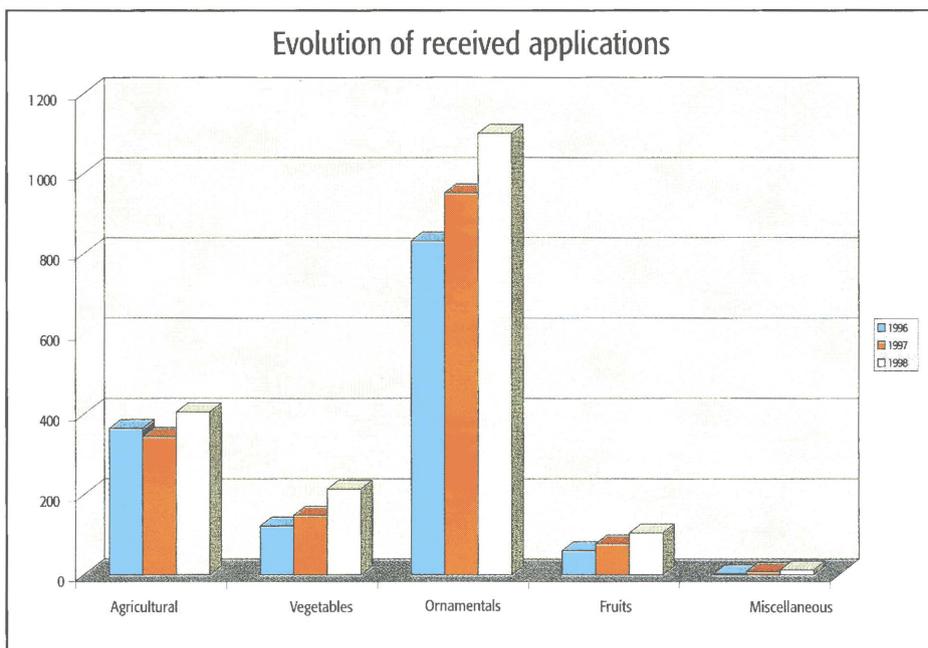


Anyone may lodge an objection to the grant of a CPVR with the Office, in writing and within specified time limits. The grounds for objection are restricted to allegations either that the conditions laid down in Articles 7 to 11 of the basic regulation are not met (distinctness, uniformity, stability, novelty, or entitlement), or that the proposed variety denomination is unsuitable due to one of the impediments listed in Article 63. Objectors become parties to the application proceedings and are entitled to access to relevant documents.

Except for two specific instances where a direct action against a decision of the Office may be brought before the European Court of Justice, a right of appeal against such decisions lies with a board of appeal consisting of a chairman, appointed by the Council, and two other members selected by the chairman from a list compiled by the Council. The addressee of a decision, or another person, to whom its content is of direct and individual concern, may appeal against it. After examining the appeal, the board may exercise any power within the competence of the Office or remit the case to the Office, which is bound by the board's decision. Actions may be brought before the European Court of Justice against decisions of the board.

Once granted, the duration of a CPVR is 25 years, or 30 years in the case of potato, vine and tree varieties. These periods may be extended by legislation for a further five years in relation to specific genera or species. The effect of a CPVR is that certain specified activities in relation to variety constituents or harvested material of the newly protected variety require the prior authorisation of the holder of the right. This authorisation may be made subject to conditions and limitations. Infringement of a CPVR entitles the holder of the right to commence civil proceedings against the perpetrator of the infringement.

Registers, which are opened to public inspection, contain details of all applications received, and all CPVRs granted, by the Office. Every two months, the Office publishes its *Gazette of the Community Plant Variety Office* which also provides this information, as well as other material.



THE ADMINISTRATIVE COUNCIL

The Administrative Council held four meetings in 1998.

☉ At its first meeting, which took place on 7 and 8 April 1998, the Administrative Council:

- unanimously granted a discharge to the President of the Office in respect of implementation of the 1996 budget. This discharge also applied to the President of the Administrative Council, who had acted as President of the CPVO during the first six months of 1996;
- took note of the implementation of the budget for 1997 and the preliminary draft budget for 1999;
- unanimously adopted the CPVO financial regulation in accordance with Article 112 of the basic regulation;
- unanimously approved the creation of a reserve fund;
- approved the extension of the 'in/out' principle until 31 December 1999, in the light of the significant delay in achieving the deadline set in Article 93 of the implementing rules in relation to determination of the uniform constituents of costs and cost calculation methods for DUS-testing (¹).

In addition, the Administrative Council:

- asked the President of the CPVO to organise, in conjunction with the 'cost calculation' working group, an invitation to tender with a view to selecting tenderers to carry out a cost calculation study for DUS-testing and to submit the relevant budget line to the Administrative Council for approval;
- concluded that greater thought would be needed before a common approach could be established on the question of the attendance of breeding organisation representatives at meetings of the Administrative Council.

The Office submitted to the Council:

- the proposals for amendments to the basic regulation which had been sent to the European Parliament for opinion. The CPVO briefed the Council on its analysis of the possibilities for a reduction in the fees.

☉ A second meeting of the Administrative Council took place on 10 June 1998.

This extraordinary meeting was convened for a final decision to be taken by the Administrative Council on whether the Hotel Bordeaux-Montrieux and the second floor of the adjacent building should be purchased, thus becoming the permanent seat of the CPVO. This decision, to be taken before 30 June 1998, was also dependent upon the approval by the Administrative Council of the draft amending budget for 1998.

The President of the CPVO informed members of the favourable opinion expressed by the Advisory Committee on Procurement and Contracts (ACPC) on the potential purchases and that



(¹) Distinctness, uniformity and stability.

this opinion had been upheld by financial control. He confirmed that a subsidy of FRF 10 million had been granted by the French Government for the purchase of these buildings.

The Administrative Council:

- voted in favour of the principle of purchasing the Hotel Bordeaux-Montrieux and the second floor of the adjacent building as the permanent seat of the CPVO;
- adopted the revised budget for 1998.

➡ **A third meeting took place on 2 October 1998.**

This extraordinary meeting of the Administrative Council, which coincided with the meeting of the Standing Committee on Plant Breeder Rights, agreed to the proposal to launch a study on the practical and legal possibilities of creating an effective system for payment of the 'equitable remuneration' mentioned in Article 5 of Regulation (EC) No 1768/95. The CPVO was asked to contact COPA (1) and Ciopora (2) for their views on the project. An overview of progress with the project would in principle be presented to the Administrative Council in December.



In addition, the Administrative Council:

- decided that, before reaching a final decision on the question of providing the UPOV (3) Secretariat with support in the form of a CPVO member of staff, the

CPVO should be asked to review the profile for the post with Mr Greengrass, the Vice-Secretary-General of UPOV to ensure that both organisations would benefit from this secondment;

- took note of the fact that Mr Kiewiet had signed the purchase agreement for the Hotel Bordeaux-Montrieux and the second floor of the adjacent building on 24 September 1998.

➡ **The last meeting took place on 16 and 17 December 1998.**

The meeting was honoured by the presence, on 17 December, of Mr Greengrass, the Vice-Secretary-General of UPOV.

In his report to the Administrative Council, the President of the CPVO summarised the activities of the CPVO over the past year, the situation with regard to the 'reserve fund', which had evolved very little under the Austrian Presidency, the generally favourable reception given to the CPVO by France, the problems encountered with reimbursement of VAT and progress with the project to refurbish and fit out the new CPVO seat.

During the session, the Administrative Council:

- unanimously approved the draft budget for 1999;
- granted discharge, on the basis of unanimity of the members present, to the President of the CPVO in respect of implementation of the 1997 budget;
- agreed to include three new Italian institutes on the list of technical examination centres, as proposed by the CPVO.

The President of the Administrative Council agreed to the CPVO proposal that he and the President of the CPVO should sign a 'code of conduct' along the same lines as that proposed by the European Parliament, but adapted to the particular circumstances of the CPVO.

(1) Comité des organisations professionnelles agricoles de l'Union européenne — Committee of Agricultural Organisations in the European Union.

(2) Communauté internationale des obtenteurs de plantes ornementales et fruitières de la reproduction asexuée — International Community of Breeders of Asexually-reproduced Ornamentals.

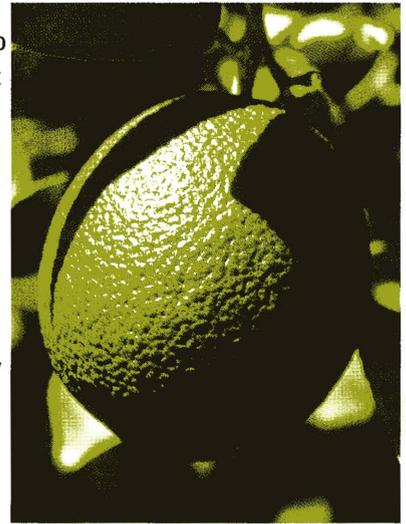
(3) Union internationale pour la protection des obtentions végétales — International Union for the Protection of New Varieties of Plants.

In addition, the Administrative Council:

- asked the CPVO to ensure that the cost calculation project for technical examinations be given priority status in 1999;
- gave the green light to submission to DG XX for opinion of the preliminary draft of the implementing rules for the CPVO's financial regulation drawn up by the CPVO;
- in the light of the responses of COPA and Ciopora, decided to hold in abeyance the proposal for a study on the practical and legal possibilities of creating an effective system for the payment of 'equitable remuneration';
- confirmed that it continued to uphold the CPVO's offer to provide some form of cooperation (to be defined between the CPVO and UPOV) to the UPOV Secretariat, Mr Greengrass having declined the offer of technical cooperation;
- took note of the CPVO's request for applicants to be permitted to submit documents to the CPVO by telex, fax or by other electronic means. The Administrative Council asked to be kept informed of the procedure which would be put in place;
- approved the changes to the application form proposed by the CPVO.

Finally, the Office informed the Council:

- of its intention to draw up a proposal for a reduction in the level of certain fees as from the year 2000. The Netherlands, Germany, Italy, France and the United Kingdom expressed their interest in participating in the working group of national experts on this matter;
- of its current views on biopiracy.



President of the Administrative Council: Mr Louis Van Eylen (B)

Members of the Administrative Council

Belgium

Mr L. Van Eylen
Mrs F. Bedoret

Denmark

Mr H.-J. Andersen
(from 23 June 1998)
Mrs G. Tarp

Germany

Mr R. Jördens
Mr H.-W. Rutz

Greece

Mr M. Gavras
Mrs T. Kastrisios

Spain

Mr M. Fernandez De Gorostiza
Mr L. Salaices

France

Mr A. Perrin
Ms N. Bustin

Ireland

Mr J. Carvill
Mr I. Byrne
(until 30 April 1998)
Mr D. Coleman
(from 1 May 1998)

Italy

Ms G. Morelli Gradi
Mr P. Mainolfi

Luxembourg

Mr M. Weyland
Mr C. Conter

Netherlands

Mr G. Van Der Lely
Mr C. Van Winden

Austria

Mr H. Etz
Mr R. Hron

Portugal

Mr T. Ribeiro Correa
Mr C. Pereira Godinho

Finland

Mr O. Rekola
Mr A. Vuori

Sweden

Mr K. Öster
(until 15 July 1998)
Mrs U. Hansson
Mr E. Westerlind
(from 15 July 1998)
Mrs K. Lorin

United Kingdom

Mr D. Boreham
Mrs K. Fox

Commission

Mr J. Heine
Mr D. Obst

PLANT VARIETY PROTECTION, THE EUROPEAN APPROACH

13

To mark the occasion of its installation in Angers (France), the Community Plant Variety Office organised, on 18 May 1998, a conference on the topic 'Plant variety protection, the European approach'.

Many personalities, journalists, breeders, and other professionals of the horticultural and agricultural sectors from Member States of the European Union, but also from other countries, were invited. In total, more than 150 persons gathered in the Greniers St-Jean in Angers for a day of lectures.

After the presentation of the French Minister for Agriculture and Fisheries, Mr Louis le Pensec, and the speeches of Mr Jean Monnier, Mayor of Angers, Mr André Lardeux, Chairman of the General Council of Maine-et-Loire, and Mr Marc Colas, Deputy of Mr Francois Fillon, Chairman of the Regional Council of the Pays de la Loire, talks on Community policy in respect of plant breeding and protection and on the plant variety protection system under the UPOV Convention 1991 were presented respectively by Mr Joachim Heine, Deputy Director-General at the Commission (DG VI, Agriculture), and Mr Barry Greengrass, Vice-Secretary-General of UPOV.

In a second part, subjects of a technical nature were introduced. The speeches dealt with the importance of plant breeding in the chain of agricultural production (by Mr Luc Guyau, Chairman of COPA), the outlook for the plant breeding industry in Europe (by Mr Wilhem Graf Von der Schulenburg, Chairman of Comasso ⁽¹⁾), the plant as a biological system (by Prof. Dr Wolfgang Friedt, Glessen University) and the French plant breeding from a European perspective (by Mr Pierre Llaurens, Chairman of Cosemco ⁽²⁾).

Lastly, two speeches more concerned with an assessment of the performance of the CPVO as it appeared in 1998 closed the meeting. The President of the Administrative Council, Mr Louis Van Eylem, spoke on the cooperation of CPVO and national authorities and Mr Bart Kiewiet, President of the CPVO, concluded with an evaluation of the Community plant variety rights system after three years of existence.

⁽¹⁾ Association of Plant Breeders of the European Union.

⁽²⁾ European Committee for Seed Trade.

THE BIOTECH DIRECTIVE

The adoption of Directive 98/44/EC is clearly a landmark in the development of patent law in Europe. The effects of the directive are not limited to the patent area. When implemented in national legislation, the directive will have important consequences for UPOV-type protection systems in respect of plant material in the fixed form of a plant variety.

The possibility to protect plant material by patent could have a negative effect on the number of applications for national and Community plant variety rights. Another result of the implementation of the directive will be that plant varieties could partly fall within the scope of more than one intellectual property right each owned by different persons.

The directive contains important provisions not only in respect of the patentability of plant material but also in respect of biological material of animal and, within strict limits, human origin. The latter aspects will not be considered in this paper.



The directive reiterates the exception to patentability in relation to plant varieties and essentially biological processes for the reproduction of plants laid down in Article 53(b) of the European Patent Convention. As may be concluded from its recitals, the fathers of the directive are in favour of a very limited interpretation of the exception. The directive contains a provision intended to clarify the demarcation line between non-patentable subject matter and 'inventions which concern plants or animals'. Such inventions may be patented if the technical feasibility of the invention is not confined to a particular plant or animal variety.

The directive introduces the concept of the so-called farmer's privilege to the patent system. By way of a derogation from the scope of a patent, the sale or other form of commercialisation of plant propagating material to a farmer by, or with the consent of, the holder of the patent for agricultural use implies authorisation for the farmer to use the product of his harvest for propagation or multiplication by him on his own holding. The extent and the conditions of this derogation are governed by the relevant set of rules laid down under the basic regulation on the Community plant variety rights system.

Article 12 of the directive relates to the point where the patent and plant variety rights system meet.

In this article the possibility of compulsory licensing is created in cases where a breeder cannot acquire or exploit a plant variety right without infringing a prior patent and, conversely, where the holder of a patent for a biotechnological invention cannot exploit that invention without infringing a prior plant variety right.

Applicants for these compulsory licences must demonstrate that they have tried unsuccessfully to obtain a contractual licence from the holder of the patent on the plant variety right as the case may be, and that the plant variety (or the invention) constitutes significant technical progress of considerable economic interest compared with the invention (or protected variety).

Article 12 has more than theoretical effect. By comparison with the present situation, a relatively high number of requests for compulsory licences may be anticipated in relation to protected varieties. This is made all the more likely given that the hurdle to obtaining such a licence, significant technical progress of considerable economic interest, is lower than that presented by the basic regulation on Community plant variety rights, namely 'the public interest'.

THE STAFF OF THE CPVO

The relocation of the CPVO in 1997 and its impact on human resources management in 1998

Angers became the official seat of the CPVO on 1 August 1997, in temporary premises on the Plateaux du Maine.

The relocation from Brussels to Angers led to several changes in terms of human resources. Although most temporary agents who were previously working for the Office were transferred to its permanent seat, some staff had come to the end of their contracts in Brussels, and others had not wished to relocate with the Office. Certain staff, who were already working for the Office, saw changes to their employment status.

Finally, it was necessary to organise a recruitment drive to find further temporary, auxiliary and agency staff.

Staff complement in 1998

In order to deal with the increased number of applications for plant variety protection, as well as the considerable growth in technical, administrative and financial tasks for which it is responsible, the Office was forced to seriously review its human resources requirements and to commence the organisation of several recruitment drives (publication, selection, recruitment, training) throughout the year.

At its meeting on 20 March 1997, the Administrative Council reminded those present of the need to create permanent staff posts at the Office (a principle which it had already adopted at its meeting of 12 December 1996), and then emphasised that competitions should be organised in the coming years in order to fill the posts due to become permanent in 2001. At the meeting on 16 and 17 December 1998, the President of the Office underlined the fact that the organisation of competitions for permanent posts would commence in 1999. Furthermore, he reminded the meeting that, in 1998, the Office had taken on a considerable number of staff, even though the recruitment of staff from Member States other than the host country was not always easy. Nevertheless, nine nationalities from the Member States of the European Union were already represented in the Office's staff in 1998.

In December 1998, in addition to the President and the Vice-President, the CPVO had 23 members of staff.

The organisation of the CPVO

Under the overall control of the President and Vice-President, the internal organisation of the Office is as follows:

The **Technical Unit** is responsible for the administrative and technical management of the Community plant variety protection system. Its main tasks are as follows: receipt and checking of applications for protection, organisation of technical examinations and site inspections, administration of the register, production of official technical publications and relations with the applicants, national offices and international bodies in the sector.

The **Administrative and Financial Unit** is responsible for the management of the Office in the following three sectors:

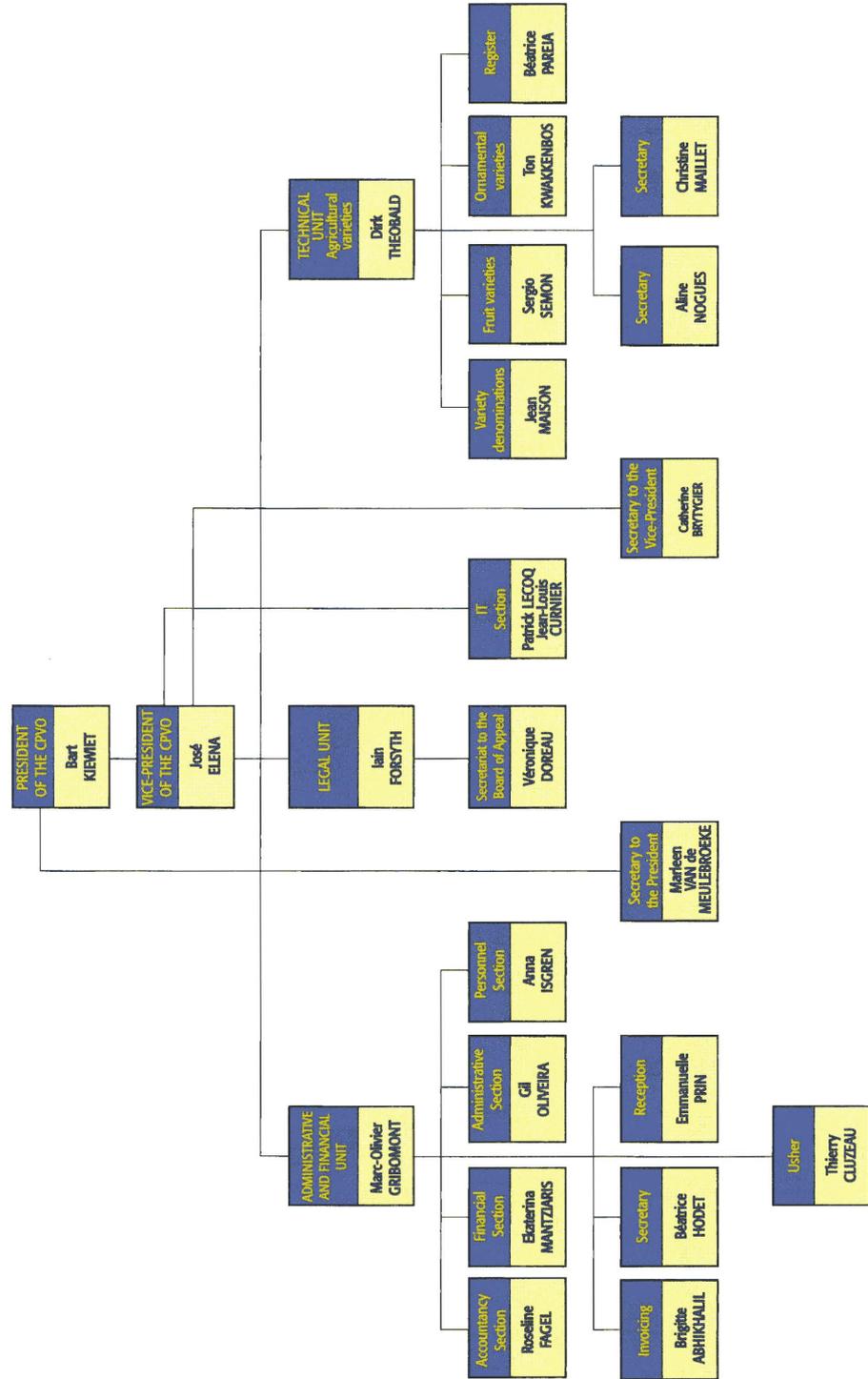
- Administrative sector: awarding of contracts for goods, services and works in compliance with Community procedures; administration and management of contracts; organisation of Community publications; administration and management of the Office's movable and immovable property; administration of requirements and of all logistical, office automation, computing and operational resources.
- Financial sector: commitment, validation, authorisation and payment of expenses, in particular those relating to technical aspects; collection of revenue, especially revenue from fees, keeping of accounts, drawing-up of budgets and financial documents (budgetary accounts, balance sheet, administrative accounts and financial analyses).
- Human resources: recruitment, administration (contracts, administration of wages, implementation of the staff regulations) and management (management of careers and reviews) of the Office's human resources; management relating to the status of the members of the Board of Appeal of the Office; training.

The **Legal Unit** advises the President and other units of the Office mainly on technical questions, but also on other administrative matters. The unit is responsible for preparing legal interpretations and pleadings, and prepares draft legislation. It participates actively in committees responsible for technical decisions, various meetings of experts, and the Advisory Committee on Procurements and Contracts, ensuring proper compliance with Community procedures. The unit is in charge of dealing with contentious cases, organising the sessions of the Board of Appeal of the Office, etc.

It also furnishes an appropriate response to any legal question put to the Office by any third party directly affected by the Office's activities.

In addition, since the second half of 1998, an **IT Section** has been in operation. It ensures the smooth running of the Office in terms of information technology. It is responsible for the following tasks: studying the requirements of the Office in terms of hardware and software; the creation, development and installation of new programmes tailor-made for the Office; the installation of standard programmes; the maintenance of installations and the management of the computer park; ensuring that the computer system is secure; help desk services and interinstitutional cooperation relating to IT matters.

ORGANISATION CHART OF THE CPVO, 1998 (*)



(*) The above organisation chart is based on those members of staff of the CPVO employed as Community agents (temporary or auxiliary agents) on 31 December 1998.



THE FINANCIAL SITUATION

The CPVO has clearly demonstrated the effectiveness of its Community plant variety protection system since it became operational on 27 April 1995, if this is judged by the number of applications received from the beginning of its activities to the end of 1998 (7 917), by the number of protection rights granted for the same period (3 958), and by the amount of fees received, which has more than doubled in two years.

It should also be noted that 1998 was a year of consolidation for the Office in terms of finance, buildings, furniture and human resources. Indeed, besides the excellent technical results mentioned above, 1998 was marked by the CPVO's search for its permanent seat. The Office purchased the Hotel Bordeaux-Montrieux located in the centre of Angers and premises in an adjoining building. It should be noted, however, that the financial burden relating to this purchase was paid in full by the Office in 1998 (and is therefore included in this financial year), while the subsidies granted by the local authorities to the Office were still partially outstanding in 1998.

Finally, 1998 was also marked by considerable efforts to create, develop, upgrade and improve software programmes and computer hardware systems for technical, administrative and financial purposes within the Office.

1998 budgetary implementation and financial analysis

➤ Revenue

The revenue received by the CPVO essentially comprises various fees payable by applicants for Community protection for a plant variety, proceeds from the sale of the Office's official publications, any subsidies received and interest earned on bank accounts. Total revenue received in 1998 (excluding accumulated reserve funds amounting to ECU 5 131 031.23) amounted to ECU 5 442 680.46, the amount of revenue still to be received amounting to ECU 76 301.19.

The main revenue items are as follows:

• Fees

Fees received in 1998 totalled ECU 4 873 208, and are divided up as follows: application fees (ECU 1 707 300); examination fees (ECU 753 600); report fees (ECU 464 100); renewal fees (ECU 1 923 500); and other fees (ECU 24 708). This figure is equivalent to 95 % of the budget estimates for revenue from fees.

• **Bank account interest**

Total interest received in 1998 on the Office's bank accounts amounted to ECU 263 418.07.

The average net rate paid on accounts in ecu varied between 3 and 4 %, while the rate on accounts held in local currencies was 3 %.

• **Revenue from subsidies**

The first instalment of subsidies paid to the Office by the French authorities (department of Maine-et-Loire, region of Pays de la Loire, Angers municipal authorities) before 31 December 1998 amounted to ECU 306 054.39.

It should also be noted that the CPVO benefited throughout 1998 from the payment of the rent for its temporary premises. This amount will be deducted from the total amount of the subsidy granted by the municipal authorities of Angers.

• **Miscellaneous revenue**

The Office collected a total amount of ECU 76 301.19 as miscellaneous revenue, ECU 58 175.19 of which came from the proceeds of the sale of the Official Bulletin of the CPVO. The balance includes repayments of outstanding payments to the Office by the Translation Centre and the European Commission.

➔ **Expenditure**

The relocation of the Office to Angers necessitated a number of investments, and their consolidation, in terms of human resources requirements, the purchase of immovable property and administrative, computer and office technology.

It should be noted, however, that the CPVO's expenditure for 1998, excluding expenditure relating to the performance of technical examinations and the purchase of new buildings, should more or less balance the revenue from application fees and renewal fees for protection.

The total expenditure incurred in 1998 amounted to ECU 4 219 953.82.

• **Staff costs**

The total expenditure on staff payments is ECU 1 947 555.8 on 1998 appropriations and ECU 36 715 as far as an automatic carry-over of commitments relating to third parties is concerned (temporary employment agencies, language courses).

The staff costs category also includes expenses for staff on mission, and costs relating to the Translation Centre in Luxembourg.

• **Buildings and ongoing administrative expenses**

These expenses include 'exceptional' expenditure relating to the purchase of premises and conveyancing costs for ECU 1 215 397.41, including procedural expenses. This expense was offset by the payment to the Office of part of the aforementioned subsidy amounting to ECU 306 054.39.

Expenditure relating to building charges for the temporary building, in terms of purchases of office furniture and computer equipment, has also been taken into account.

Total expenditure on buildings and administrative expenses (payments) amounts to ECU 1 775 663.

• **(Technical) operating expenses**

Payments relating to examinations made against appropriations for 1998 have risen to ECU 200 810.87, while ECU 1 141 816.06 had to be carried over to 1999. This carry-over alone constitutes 73.5 % of the total amount of automatic carry-overs for 1998.

Total (technical) operating expenses for 1998 amounts to ECU 496 735.05, while the total for automatic carry-overs amounts to ECU 1 293 405.19.

➔ **Carry-overs**

In 1998, the total for appropriations which have been carried over amounts to ECU 1 552 198.68.

It should also be noted that in 1998 an amount of ECU 197 320.42, consisting of the appropriations carried over from 1997 to 1998, was cancelled and taken into account in the 1998 results under the heading of extra-budgetary revenue.

• **Value added tax**

As mentioned in the previous annual report, any purchase made in France is subject to VAT. This tax can be claimed back from the competent French authorities and will constitute financial revenue for subsequent financial years. The maximum total that can be claimed back (for 1997 and 1998) amounts to ECU 184 761.56.



• **Balance sheet for 1998: fixed assets and cash flow of the Office**

In the balance sheet for 1998, fixed assets (ECU 1 382 661.21) were divided up as follows: the acquisition of immovable property (ECU 1 202 326.32); installations and furniture (ECU 58 444.14); computer equipment (ECU 93 004.47); intangible assets (software licences) (ECU 28 886.28).

As far as cash flow is concerned, the bank balance at the end of the financial year exceeded ECU 6.9 million.

• **Results for the financial year and reserve fund**

The balance for 1998 amounts to ECU – 137 242.23. This deficit is offset by the accumulated surplus from previous financial years, which amounted to ECU 5 131 031.23 at the end of 1997. The Office's accumulated reserve fund at the end of 1998 therefore amounts to ECU 4 993 789.

The results for 1998 should be analysed, taking into account the fact that the Office has yet to receive a considerable portion of the subsidies to be paid by local authorities and the VAT repayments on all purchases made in France in 1997 and 1998.

DEVELOPMENTS IN RESPECT OF INFORMATION TECHNOLOGY

In 1998, the IT Section has carried out its activities coping with the daily needs of the CPVO and also facilitating further IT development.

The following list shows the tasks accomplished throughout 1998.

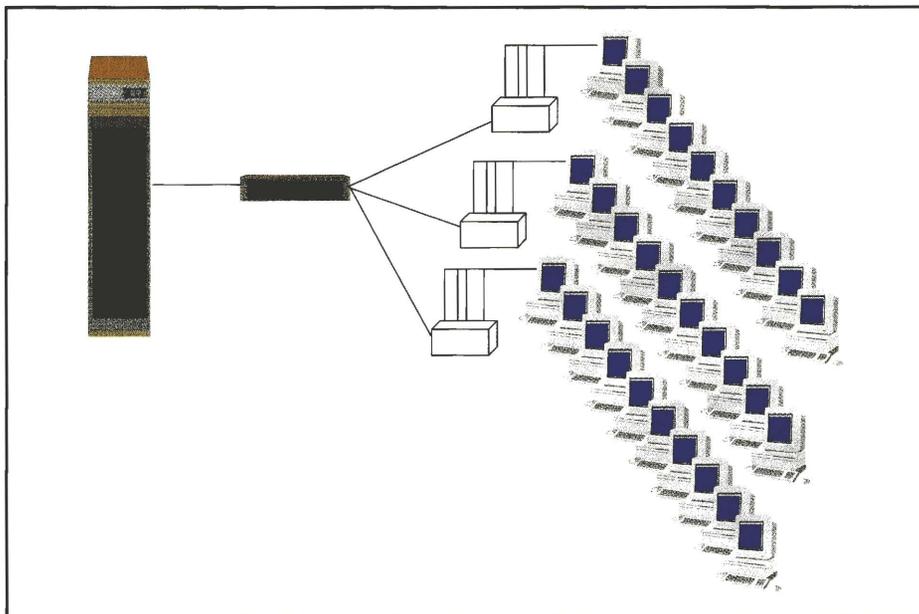
➔ **The CPVO network:** 10 new, more powerful PCs (200 Mhz-PI/350 MHz-PII) were included in the LAN. The server was upgraded by adding a new processor and enlarging its RAM to 740 Mb. A daily automatic back-up was installed on the server, and there was the set-up of an anti-virus covering the server and all workstations.

➔ **The CPVO website:** an Internet site was created at the end of March 1998 containing general information available in 10 official languages of the Union, a monthly updated list of granted CPVR and a chapter dedicated to present the 'latest news' referring to the CPVO activities.

➔ **Improvement of telecommunications:** an internal mail service (25 users) and an Internet e-mail (20 addresses) was installed covering all the CPVO's needs. The special security requirements for electronic communications with DG XX and the Torino agency were achieved, including a router and ISDN lines. The printing equipment was improved with a colour printer and a B/W high capacity printer, both working in the network.

➔ **The new PVR database:** the detailed analysis of the procedure of granting Community titles was completed. The results were used to design the new plant variety rights (PVR) database, to be used by the Technical Unit for the management and the monitoring of the procedure, facing also the increase in the number of applications received. During the last term, the migration from the 'PVR' single user (FoxPro) to the new database (Windev) on local network was successfully achieved. An effective invoicing system was also developed attached to the PVR Windev, covering the needs of the CPVO (5 000 invoices per year).

CPVO LAN 1998



➤ **Software for the budgetary and general accountancy:** the software used for the general ledger (Expert/M) was in the process of being changed to a multi-user service version. The SI2 supported on Oracle was successfully installed at the end of the year. The CPVO has participated and made use of the Common Support Service organised by several EU agencies, in order to have secure and effective software for the budgetary accountancy.

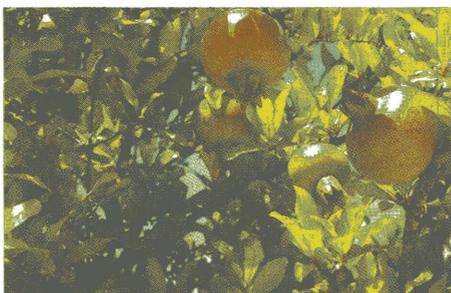
➤ **Miscellaneous:** several other IT-related activities were carried out during 1998:

- design and acquisition of scanning equipment (soft- and hardware) intended to provide a safety copy of all documents included in CPVR application dossiers and files;
- installation of the SIC software used to provide informatisation for several tasks performed by the Administrative and Financial Unit of the Office;
- inventory and analysis of all the events and situations susceptible to be affected by the progression to the year 2000, providing solutions to cover all cases;
- help desk service to all users;
- design and cost estimate of the new IT network that is to be placed in the definitive premises of the Office.

➤ **Reinforcement of IT in the CPVO:** aiming to cope with the increasing needs of the Office's computerisation, a further recruitment selection procedure for a new IT agent was organised and completed at the end of 1998. The two main areas of responsibility covered by the IT service will be: information system development and administration of the network and help desk.

CONTACTS WITH **PROFESSIONAL ORGANISATIONS**

During 1998, the CPVO organised two meetings with Comasso on 15 June and 17 September. Both meetings were held in Brussels. The CPVO reported on the financial situation of the Office,



on the intention to elaborate a proposal to modify the fees structure under the Community system and the intention of the Office to involve breeder organisations in these discussions. Comasso reported on the current situation in the EU in respect of the royalty collection on farm-saved seed. An exchange of views on the DUS-testing of sugar beet varieties, distinctness based on herbicide

resistance and the acceptance of codes as variety denominations took place.

On 7 September, the Office organised its annual meeting with Ciopora in Paris. Apart from the general points, which were also discussed with Comasso, a specific exchange of views took place in respect of the phytosanitary requirements to be respected by plant material to be submitted for DUS-testing.

CONTACTS WITH **NATIONAL EXPERTS**

On 10 and 11 December 1998, the CPVO organised its second annual meeting with representatives of examination offices at its premises in Angers. Some 16 experts from 11 different examination offices attended this meeting.

The possible introduction of closing dates for filing applications for Community plant variety rights was discussed.

Procedural aspects of the DUS-testing of varieties on behalf of the CPVO were discussed. In particular, the exchange of information between examination offices working on the same species, aspects in respect of the language of the procedure and the handling of samples were considered.

An exchange of views took place on the question of confidentiality of information on candidate varieties, in particular during the growing of the varieties.



Furthermore, the CPVO reported on the progress of work in respect of guidelines for checking of variety denominations.

A preliminary discussion took place on a system for the verification of the continued unaltered existence of protected varieties.

It was also decided to organise a working group of experts in order to elaborate a technical protocol for the DUS-testing of sugar beet varieties.

Apart from the annual meeting, the Office had the following contacts with technical experts and examination offices to discuss specific subjects:

➔ **February 1998:**

- Meeting with GEVES representatives in Paris to discuss the checking of variety denominations.
- Meeting with NAKG representatives and CPRO-DLO representatives in the Netherlands to discuss the checking of variety denominations.

➔ **March 1998:**

- Meeting with the Bundessortenamt, Hannover, Germany, to discuss the checking of variety denominations.
- Visit to several institutions in Italy to evaluate DUS-testing.

➔ **April 1998:**

- Meeting with representatives of Subdirección General de Semillas y Plantas de Vivero in Madrid.

➔ **July 1998:**

- Visit to INRA-GEVES Brion/Angers: DUS-testing of *Hydrangea*.
- Visit to the premises of SEITA in Bergerac, France, together with representatives of GEVES in order to evaluate the possibility to carry out DUS-testing on ornamental tobacco.

➔ **August 1998:**

- Visit to the Bundessortenamt testing station, Marquardt, DUS-testing of *Petunia*, *Callistephus*, *Eustoma*, perennials.
- Visit to the variety institute in Thessaloniki to evaluate DUS-testing of cotton.

➔ **December 1998:**

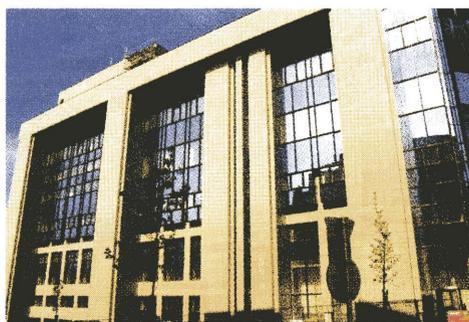
- Meeting in Angers with experts on variety denominations. Main topics: further elaboration of the CPVO guidelines.

THE RELATIONSHIP OF THE CPVO WITH OTHER EC INSTITUTIONS

Article 30 of the basic regulation states that the Office shall be a body of the Community and shall have legal personality. Although it is clear from various provisions of the basic regulation that the Office enjoys a considerable degree of independence within the overall framework of the Community, it does of course have dealings, both formal and informal, with other institutions.

The Council

As the basic regulation is a Council instrument, any amendment thereto must be made by that body. The Council is also responsible for the appointment (and dismissal) of the President and Vice-President of the Office and exercises disciplinary authority over them.



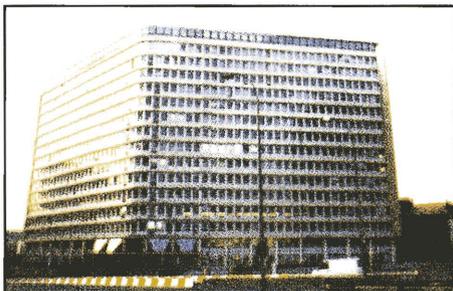
The Commission

The rules implementing the basic regulation in accordance with Article 115 thereof (relating essentially to proceedings before the Office, the agricultural exemption and the fees payable to the Office) are Commission instruments.

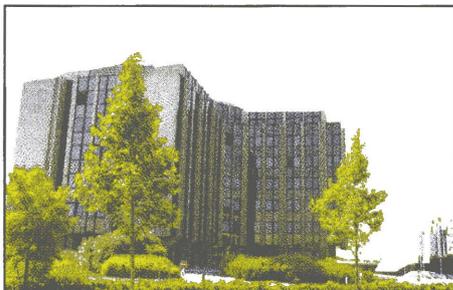
Under Article 44 of the basic regulation, the Commission is entrusted with the control of the legality of those acts of the President in respect of which Community law does not provide for such control by another body, and the acts of the Administrative Council relating to the budget of the Office.

Working relations with the Commission are numerous and diverse. As regards the core business of the Office, the main point of contact is Directorate-General VI (Agriculture). The Commission representatives on the Administrative Council are drawn from this Directorate-General, which is thus kept abreast of contacts between the Office and other Directorates-General. In particular, there are frequent dealings with Directorates-General IX (Personnel and Administration), XIX (Budgets) and XX (Financial Control).

The Office is maintaining contact with Directorate-General XII (Science, Research and Development) to ensure involvement in the evaluation of projects submitted for financial support which relate to the Office's sphere of activity.



The Office regularly liaises with the Secretariat-General on horizontal issues relating to all satellite bodies of the Community.



The Court of Auditors

Pursuant to Article 111 of the basic regulation, the Court of Auditors examines the accounts of the total revenue and expenditure of the Office for the preceding year in accordance with relevant provisions applicable to the general budget of the European Communities. The Administrative Council awaits the outcome of this examination before giving a discharge to the President in respect of the implementation of the budget.

The European Parliament

The legislation establishing and governing the Office does not provide a formal role for the European Parliament in the way that the equivalent legislation of many other satellite agencies does. Since the Office is self-financing and consequently receives no subsidy from the Commission, the European Parliament does not exercise even indirect influence over the financial affairs of the Office through its powers in relation to the Commission's budget.

Nevertheless, drafts of the budget and accounts are sent to the European Parliament for comment. The financial situation of the Office is referred to in the reports of the parliamentary committee on the budgets of the satellite agencies. The President of the Office is invited to participate in the annual meetings of the Parliament's rapporteur with representatives of the agencies.

Others

The Office also makes considerable use of the services of the Translation Centre for Bodies of the European Union and the Office for Official Publications of the European Communities.

EXAMINATION OFFICES AND TESTING STATIONS

The following examination offices and relevant testing stations were working in 1998 on behalf of the CPVO:

Species	Examination office	Testing station
<i>Abelia</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Aeschynantus</i> Jack	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Aglaonema</i> Schott.	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Allium cepa</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Allium porrum</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Allium sativum</i>	SGSPV (E)	SGSPV Aranjuez
<i>Alstroemeria</i> L.	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Amaranthus</i> (seed)	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Anigozanthos</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Anthurium</i> Schott. (pot)	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Antirrhinum</i> L.	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Argyranthemum</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Aster</i> L.	ARO/ISR	
<i>Begonia elatior</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Beta vulgaris</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Beta vulgaris</i>	Statens Växsortnämnd (S)	Solna
<i>Blechnum</i> L.	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Brassica napus</i>	GEVES (F)	GEVES, La Minière
<i>Brassica napus</i>	Bundessortenamt (D)	Bundessortenamt, Scharnhorst
<i>Brassica oleracea alba</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Brassica oleracea botrytis</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Brassica oleracea cymosa</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Brassica oleracea sabauda</i>	Plant Variety Rights Office (UK)	SASA, Edinburgh
<i>Brassica carinata</i> Braun	Bundessortenamt (D)	Bundessortenamt, Rethmar
<i>Bromeliaceae</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Calathea</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Camelia</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Campanula carpatica</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Chamaecyparis</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Chrysanthemum</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Cichorium endiva</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Cichorium intybus</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Citrus</i> L.	SGSPV (E)	IVIA, Valencia

Species	Examination office	Testing station
<i>Clematis</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Cordyline</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Cucumis melo</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Cucumis sativus</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Cupressus glabra</i>	GEVES (F)	GEVES, La Minière
<i>Cupressus macrocarpa Hartw.</i>	GEVES (F)	GEVES, La Minière
<i>Cynara</i> L.	GEVES (F)	GEVES, Cavaillon
<i>Dahlia</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Daucus carota</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Delphinium</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Dianthus</i> L.	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Diascia</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Dieffenbachia Schott.</i>	GEVES (F)	GEVES, La Minière
<i>Echinodorus</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Erica x darleyensis</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Euonymus</i> L.	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Euphorbia fulgens</i>	RCA (DK)	
<i>Euphorbia milii</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Euphorbia pulcherrima</i>	RCA (DK)	
<i>Ficus</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Fuchsia</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Foeniculum vulgare</i>	Bundessortenamt (D)	Bundessortenamt, Rethmar
<i>Fragaria</i> L.	Bundessortenamt (D)	Bundessortenamt, Wurzen
<i>Fragaria</i> L.	Cenarve (P)	Cenarve, Escaroupim
<i>Geranium</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Gerbera</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Gladiolus</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Gloxinia</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Guzmania</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Gypsophilla</i>	ARO/ISR	
<i>Hedera helix</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Helenium</i> (veg)	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Helianthus annuus</i>	GEVES (F)	GEVES, La Minière
<i>Helleborus</i> L.	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Heuchera</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Hosta</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Hydrangea</i> L.	GEVES (F)	GEVES, La Minière
<i>Hypericum</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen

Species	Examination office	Testing station
<i>Impatiens</i> New Guinea hybrid	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Impatiens walleriana</i> Hook (veg.)	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Iris</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Ixora</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Kalanchoë</i> Adans.	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Kohleria</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Lactuca sativa</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Lavandula Stoechas</i> L.	GEVES (F)	GEVES, La Minière
<i>Lilium</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Lobelia</i> (seed)	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Lonicera</i> L.	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Lycopersicum lycopersicon</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Malus</i> Mill	GEVES (F)	INRA, Angers
<i>Malus</i> Mill	Bundessortenamt (D)	Bundessortenamt, Wurzen
<i>Malus</i> Mill	Plant Variety Rights Office (UK)	National Fruit Collections, Brogdale
<i>Narcissus cyclamineus</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Nemesia</i>	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Ocimum basilicum</i>	Bundessortenamt (D)	Bundessortenamt, Bamberg
<i>Oryza sativa</i>	SGSPV (E)	SGSPV, Sevilla
<i>Osteospermum</i> L.	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Pelargonium</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Pentas</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Petroselinum crispum</i>	Bundessortenamt (D)	Bundessortenamt, Bamberg
<i>Petunia</i> L.	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Phalaenopsis</i> Bl.	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Phaseolus coccineus</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Phaseolus vulgaris</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Phlox drumondii</i> (seed)	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Pisum sativum</i>	Bundessortenamt (D)	Bundessortenamt, Rethmar
<i>Pisum sativum</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Prunus armeniaca</i>	GEVES (F)	INRA, Avignon
<i>Prunus cerasifera</i>	SGSPV (E)	DGA, Zaragoza
<i>Prunus domestica</i>	Bundessortenamt (D)	Bundessortenamt, Marquardt
<i>Prunus insititia</i>	SGSPV (E)	DGA, Zaragoza
<i>Prunus persica</i>	GEVES (F)	INRA, Bordeaux
<i>Prunus persica</i>	SGSPV (E)	DGA, Zaragoza
<i>Pteris/Blechnum</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen

Species	Examination office	Testing station
<i>Rhaphanus sativus</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Rhipalidopsis</i>	RCA (DK)	
<i>Rhododendron</i> (potplant)	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Rhododendron simsii</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Ribes uva-crispa</i>	Bundessortenamt (D)	Bundessortenamt, Wurzen
<i>Rosa</i> (cutflower: greenhouse)	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Rosa</i> (garden)	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Rosa</i> (garden)	GEVES (F)	GEVES, La Minière
<i>Rosa</i> (garden)	Plant Variety Rights Office (UK)	NIAB, Cambridge
<i>Rosa</i> (potplant)	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Rubus idaeus</i>	Bundessortenamt (D)	Bundessortenamt, Wurzen
<i>Saintpaulia ionantha</i> (veg.)	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Salix</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Schefflera</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Sinningia</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Solanum melongena</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Solanum rantonnetii</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Solanum tuberosum</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Solidago</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Spathiphyllum</i> Schott.	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Spathoglottis</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Spinacia oleracea</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Streptocarpus</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Sutera</i>	Bundessortenamt (D)	Bundessortenamt, Hannover
<i>Symphoricarpos</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Tagetes</i>	GEVES (F)	GEVES, La Minière
<i>Tanacetum</i> (seed)	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Triticum aestivum</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Tulipa</i> L.	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Valerianella locusta</i>	GEVES (F)	GEVES, Brion
<i>Verbena</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Vicia faba</i>	Raad v/h Kwekersrecht (NL)	CPRO-DLO, Wageningen
<i>Weigelia</i>	GEVES (F)	GEVES, La Minière
<i>Zea mays</i>	GEVES (F)	GEVES, La Minière
<i>Zea mays</i>	Bundessortenamt (D)	Bundessortenamt, Haßloch

IMPORTANT MISSIONS

The CPVO is managing a supranational protection system, which involves many contacts in different countries not only in Europe, but also elsewhere in the world. DUS-testing on behalf of the CPVO is performed in almost all the Member States of the European Community. This obliges the technical staff of the CPVO to go on mission regularly in order to inspect the trials and to discuss technical matters with the responsible staff members of the examination offices.

The work of the CPVO is closely related to elements of the Community rules on the marketing of new plant varieties. For that reason representatives of the CPVO participate with observer status in the work of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry. Also as observers, representatives of the CPVO take part in the meetings of different bodies of UPOV such as the Council, the Legal and Administrative Committee, the Technical Committee and a number of species-oriented working parties.

At administrative level there is close cooperation between the EU agencies and the European Commission. In particular, the development of new accountancy software has made it necessary for staff members of the CPVO to meet their counterparts in the other Community institutions.

Running a successful PBR system makes the CPVO an attractive participant in seminars on this subject and members of its staff have made presentations on the system in many different places.

Below you will find a selection of missions undertaken by members of the CPVO staff in 1998.

- **2 February 1998**

- **La Minière, Versailles, France**

- Meeting with representatives of GEVES to discuss the examination of variety denominations and other items of mutual interest.

- **4–6 February 1998**

- **Brussels, Belgium**

- Meeting with directors of the agencies and the Secretary-General of the Commission on matters of common interest.

- **24 February 1998**

- **The Hague and Roelofarendsveen, Netherlands**

- Meeting with representatives of the CPRO-DLO and NAKG to discuss the examination of variety denominations and other items of mutual interest.

- **3–5 March 1998**

- **Gießen, Germany**

- Attendance at the annual meeting of the German Society for Plant Breeding (GPZ).

- **10 and 11 March 1998**

Hannover, Germany

Meeting with representatives of the Bundessortenamt to discuss the examination of variety denominations and other items of mutual interest.

- **12 March 1998**

Brussels, Belgium

Meeting of phyto-genetic resources working group.

- **16–20 March 1998**

Italy

Visit to several testing stations in charge of DUS-testing for maize, rice, durum wheat, vines, vegetables and fruit (Bergamo, Conegliano, Battipaglia, Rome).

Meetings with representatives of the Italian authorities, in the Ministry of Agriculture.

- **18–20 March 1998**

Tallinn, Estonia

Presentation of the Community plant variety rights system at a TAIEX workshop.

- **29 March–3 April 1998**

Geneva, Switzerland

Attendance at the UPOV-TC and UPOV legal and administrative council meetings.

- **8 April 1998**

Bordeaux, France

Visit to INRA Bordeaux together with representatives from GEVES to examine the testing for *Prunus* species.

- **26 and 27 April 1998**

Torino, Italy

Participation in workshop on SI2 implementation project: 'from prototyping to full production'.

- **29 and 30 April 1998**

Brussels, Belgium

Meeting with directors of the agencies and Commission representatives on the proposed modifications for a Council regulation amending the basic regulations of the agencies.

3–5 May 1998**Bilbao, Spain**

Preparation of a common publication (inter-agency) of the CPVO budget in the Official Journal.

- **13–15 May 1998**

Ljubljana, Slovenia

Presentation of the Community plant variety rights system at a TAIEX workshop.

- **19 May 1998**

Brussels, Belgium

Meeting with representatives of the European Parliament on budgetary and administrative issues.

- **29 May 1998**

Brussels, Belgium

Meeting about the permanent premises of the CPVO.

Administrative Council, meeting with DG XX, meeting with DG XIX.

- **29 May 1998**

Troyes, France

Participation in the FNAMS Congress (Association of French Seed Multipliers).

- **2–5 June 1998**

Monte-Carlo, Monaco

Attendance at the FIS/Assinsel Congress.

- **8–12 June 1998**

Madrid, Spain

Lectures given at the UPOV seminar on PBR implementation.

Meeting with the Spanish authorities in the Ministry of Agriculture, Food and Fisheries.

- **9 June 1998**

Cambridge, United Kingdom

Lecture given on 'the testing of DUS in the EU' at the UPOV workshop for African and Asian countries.

- **25 June 1998**

Cambridge, United Kingdom

Presentation of CPVO in seminar with UK ornamental breeders.

- **12–15 July 1998**

Lisbon, Portugal

Meeting with directors of the agencies.

- **13 July 1998**

Wageningen, Netherlands

Visit to DUS trials and informal meeting on GMO procedures with the person responsible for releases in the Netherlands.

- **13–19 July 1998**

Lisbon, Portugal

Visit to the DUS trials for strawberries carried out on behalf of the CPVO.

Meeting with representatives of the Ministry of Agriculture.

- **17 July 1998**

Brion, France

Visit to DUS trials of *Hydrangea*.

- **25 August 1998**

The Hague, Netherlands

Meeting with Dutch Ministry of Agriculture.

- **1–3 October 1998**

Caracas, Venezuela

Technical assistance to the Venezuelan authorities on the implementation of a PBR system.

Mission at the request of the UPOV Office.

- **13–18 October 1998**

Nairobi, Kenya

Participation in the workshop of the Plant Breeders Association of Kenya.

- **19 October 1998**

Kiev, Ukraine

Presentation of the Community plant variety rights system at a seminar on plant breeders rights followed by meetings with Ukrainian breeders.

- **2 December 1998**

Luxembourg, Luxembourg

Participation in a seminar at the European Institute of Public Administration.

THE OFFICIAL GAZETTE

In 1998, the Office managed to publish regularly every two months its Official Gazette. The Gazette contains the essential information entered in the Office registers relating to applications received and any consequent grant of protection. In addition, it provides information to ensure that users have a reliable source of knowledge about the legal framework within which the Office operates.

The Official Gazette is a multilingual publication in all the official languages of the European Union. It is divided into two parts: Part A contains information on individual varieties, and Part B information of more general interest.

The way information is published in Part A follows exactly the set-up recommended by UPOV.

Chapter I contains information about applications for Community plant variety rights received by the Office. A distinction is made between applications filed under Article 116, the so-called transitional regime, and under the 'normal' regime.

Chapter II refers to proposals for variety denominations. An applicant is required to propose a denomination for the variety which must be approved by the Office and which is open to objections by any third person. The user of the Official Gazette can assume that, in principle, a published proposal for variety denomination has already been subject to a preliminary examination by the Office but not a definitive decision.

Chapter III is reserved for the withdrawal of applications for a Community plant variety right.

Decisions taken by the Office are published in Chapter IV. Chapter V indicates changes of applicants, holders of protection or procedural representatives and Chapter VI will list varieties for which protection has been terminated.

In Part B, the Office publishes information on amounts and dates of payment of fees, time limits for objections and appeals, as well as references to test guidelines adopted by the Administrative Council, the list of examination offices and so forth.

The following special announcements of the Office were published in 1998:

- January 1998 in respect of the submission of colour photographs for certain applications;
- February 1998 in respect of the technical examination of roses;
- March 1998 in respect of the website of the Office;
- April 1998 in respect of the closed period of the Office.

APPLICATIONS RECEIVED, 1998

(status at 31 December 1998)

Agricultural species	405	22 %
Vegetables	213	11 %
Ornamentals	1 100	59 %
Fruit	104	5 %
Miscellaneous	12	0.6 %
Total	1 834	

Main agricultural species

<i>Zea mays</i> L.	169
<i>Solanum tuberosum</i> L.	44
<i>Triticum aestivum</i> L. emend. Fiori et Paol	38
<i>Hordeum vulgare</i> L. sensu lato	30
<i>Brassica napus</i> L.	17

Main ornamental species

<i>Rosa</i> L.	139
<i>Chrysanthemum</i>	212
<i>Pelargonium L'Hérit. ex Ait.</i>	72
<i>Gerbera</i> L.	45
<i>Dianthus</i> L.	45

Main vegetable species

<i>Lactuca sativa</i> L.	44
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. <i>Var. botrytis</i>	27
<i>Pisum sativum</i>	21
<i>Phaseolus vulgaris</i> L.	20
<i>Brassica oleracea</i> L. var. <i>capitata</i> L. f. <i>alba</i> DC	16

Main fruit species

<i>Fragaria x ananassa</i> Duch.	16
<i>Malus</i> Mill.	21
<i>Prunus persica</i> (L.) Batsch	15
<i>Prunus avium</i> (L.) L.	10
<i>Prunus armeniaca</i> L.	7
<i>Vitis</i> L.	7

ORIGIN OF APPLICATIONS

(1 January 1998 to 31 December 1998)

Belgium	43
Denmark	80
Germany	302
Greece	1
Spain	32
France	250
Ireland	3
Italy	67
Netherlands	659
Austria	6
Sweden	11
United Kingdom	91
Total European Union	1 545

RIGHTS GRANTED, 1998

(1 January 1998 to 31 December 1998)

Agricultural species	410
Vegetables	227
Ornamentals	814
Fruit	39
Miscellaneous	1
Total	1 491

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