



1996

Annual report

Community Plant
Variety Office



Annual report 1996

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Introduction

Council Regulation (EC) No 2100/94 on Community plant variety rights ('the basic regulation') entered into force on 1 September 1994.

The Community plant variety rights system became operational with effect from 27 April 1995. From that date it has been possible upon a single application to obtain protection for plant varieties valid throughout the European Community. The implementation and application of the Community regime are carried out by an independent Community office with its own legal personality: the Community Plant Variety Office (the Office).



In the starting phase the Office had to perform its duties with a limited number of staff. From a distance, as a member of the administrative council, I was in a good position to observe the great efforts made by the staff to cope with the unexpectedly high number of applications. When appointed as President, a function I have fulfilled since 1 August 1996, I had a much closer look at the achievements of the personnel. With limited means they managed to put the Community protection system on its feet. At the end of 1996, 4 553 applications had been received in total. The number of titles granted in that year was 1 460. I would like to thank the personnel for the devoted and professional way in which they contributed to the 1996 achievements.

As President I took over the responsibilities of the *mandataire* of the Office, Louis Van Eylen, the Belgian chairman of the administrative council. Due to the fact that Mr Van Eylen had to combine his work as a *mandataire* with the duties he had to perform on a national level, he did a great part of his work for the Office in the evenings and at weekends. The Office is grateful for the important contribution Mr Van Eylen paid to the Community plant variety rights system. As the number of applications received shows, the Community plant variety rights system proved an immediate success. At the moment the system is already the biggest of its kind in the world. This fact places a heavy responsibility on the shoulders of the staff of the Office. We shall do our utmost not to disappoint the breeders that have shown their trust in this new protection system. In its meeting of 6 December 1996 a conference of the representatives of the governments of the Member States of the European Community chose Angers as the definitive seat of the Office. Although its staff took a neutral position in respect of the different candidates for hosting the Office, the decision to select Angers was received positively. The publication of this annual report has been significantly delayed. Priority was given to other tasks of the Office. I hope that the publication of the next annual report will be on time.

Bart Kiewiet

President — Community Plant Variety Office

Angers, February 1998

Preface

As the annual report shows, the main part of the activities of the administrative council concerned administrative and financial matters. The administrative and financial infrastructure of the Office had to be built up from scratch. Although the Commission was a great help in this respect, the lack of proper, tailor-made, software to run the accounting system was the cause of many problems in the financial management of the Office.



Also as far as the technical part of the work was concerned, the lack of proper software complicated the work of the staff of the CPVO. Nevertheless it was able to process the many applications received without creating unacceptably long delays. In this respect it could rely on the support of the national PBR authorities. In the future too, cooperation with the national offices will be essential to the proper functioning of the CPVO.

It was with a mixture of regret and relief that I ended my job as *mandataire* of the Office. With the appointment as President of my colleague Bart Kiewiet, the pioneer days of the Office have come to an end. I wish him all the best in his new post. The same can be said in respect of José Elena, who in December 1996 was appointed as Vice-President of the Office.

The choice of Angers as the seat of the Office was the result of a long decision-making process. Many considerations, technical and political, formed the basis of this decision. There were many good candidates. Taking everything into account I am of the opinion that Angers offers all the conditions to make the installation of the Office in that city a success.

I would like to thank the staff of the office for the work they did to give the Community protection system a flying start. My thanks extend to the members of the administrative council, who gave the Office and me the necessary support to accomplish our tasks.

Louis Van Eylen
President — Administrative council

The Community plant variety rights system

On 27 April 1995 the substantive and procedural parts of Council Regulation (EC) No 2100/94 ('the basic regulation') came into force introducing a Community plant variety rights system. Prior to that date, a breeder seeking protection for a new variety in the whole of the territory of the European Union was obliged to make separate applications in each individual Member State. Now, on the basis of a single application to the Community Plant Variety Office ('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 must be emphasised that it is not possible for the owner of a variety simultaneously to hold both a Community plant variety right (CPVR) and a national right 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 worldwide. 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 pur-



poses, the Office may, subject to certain conditions, accept the results of that examination.

In 1996 the selection of examination offices was still in a transitional phase. This meant that, with regard to applications of Community origin, a variety as a rule was examined where it would have been examined had the application been a national one. However, in 1996, the majority of rights were granted on the basis of technical examinations already carried out for official purposes at national level.

It is open to anyone to lodge with the Office within specified time limits an objection in writing to the grant of a Community plant variety right. The grounds for objection are limited to allegations that either one of the four criteria set out in Articles 7 to 11 of the basic regulation (distinctness, uniformity, stability or novelty) is not satisfied, or one of the various impediments relating to the variety denomination listed in Article 63 is present. Objectors become parties to the proceedings for the grant of the Community right and are entitled to access to all relevant documents.

Except in two specific instances where a direct action may be brought before the European Court of Justice against decisions of the Office, a right of appeal against such decisions lies to a board of appeal consisting of a chairman appointed by the Council of the European Union and two other members selected by the chairman from a list established by the Council. Any person may appeal, either against a decision addressed to him or against a decision which, although addressed to someone else, is of direct and individual concern to him. 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 vine and tree varieties. These periods may be extended by legislation for a further five years in relation to specific genera or species (as in the case of potatoes). 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, which 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, open to public inspection, contain details of all applications received, and all CPVRs granted, by the Office. Every two months, the Office publishes its 'Official Gazette' which also provides this information as well as other material.

The *mandataire*

One of the factors that complicated the functioning of the Office during its starting phase was the absence of a President and a Vice-President. This problem was solved at the end of 1994 with the appointment by the administrative council of the *mandataire* with the task of managing the Office as long as no President was appointed.

The *mandataire*, firstly Dieter Obst and later Louis Van Eylen, was in charge of carrying out certain tasks and was entitled for those purposes to exercise, under the authority of the administrative council, some of the functions and powers of the President. These tasks included:

- representation of the Office;
- establishment of a first contact point for the Office;
- arrangements with the Commission concerning the availability of subsidies from the general budget of the European Union for 1994 as well as, where appropriate, for 1995 and 1996;
- preparation of draft budgets for 1995 and 1996;
- arrangements for the temporary employment of minimum personnel resources, as agreed by the administrative council;
- acquisition of minimum equipment for work and communications, as agreed by the administrative council;
- management, in compliance with relevant provisions, of revenues and expenditure implementation of budgets adopted by the administrative council.

The *mandataire* acted under the authority of the administrative council and reported in each meeting of that body on actions taken. The mandate of the *mandataire* ended on 1 August 1996, when Bart Kiewiet started his presidency of the Office.



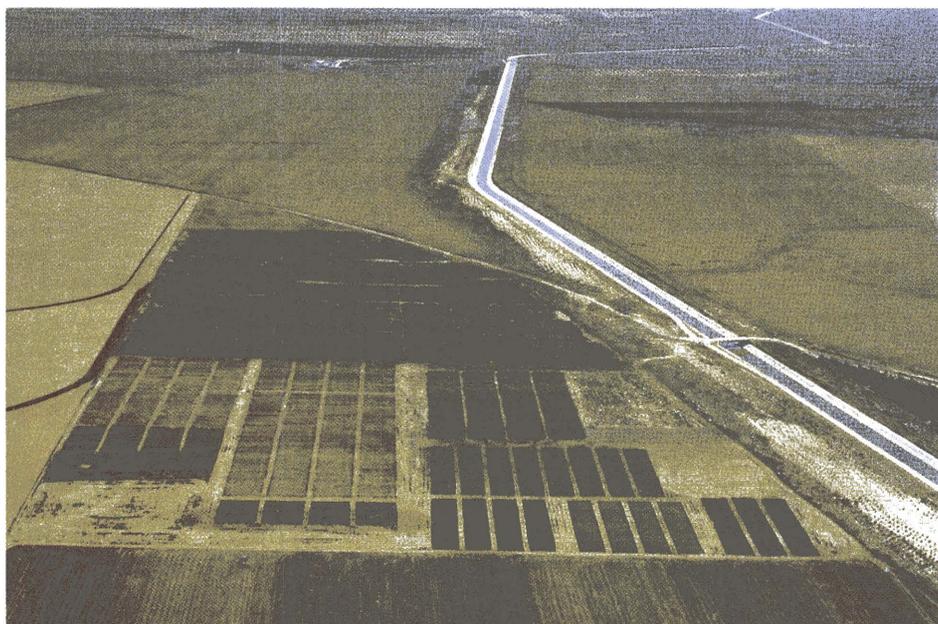
The administrative council

The Office is accountable to an administrative council (AC) composed of one representative from each Member State and one from the European Commission and their deputies. The administrative council may be assisted by advisers or experts and may invite observers to attend its meetings which must be held once a year and, in addition, on the initiative of the Chairman or at the request of the European Commission or one third of the Member States. Certain decisions of the administrative council are taken by a simple majority of Member States, each of which has one vote, while others require a three-quarters majority. The European Commission does not have a vote.

The administrative council monitors the activities of the Office. In particular it is responsible for the examination of the management report of the President, the adoption of the budget of the Office (and the provision of a discharge to the President in respect of its implementation), the appointment of the financial controller of the Office and the adoption of an internal financial regulation for the Office. In addition, it may provide advice, establish rules on working methods within the Office and issue guidelines on technical examinations, committees of the Office and general matters.

The administrative council had three meetings in 1996.

A first meeting was held on 12 April. Discussions concentrated on the lack of progress made in respect of the nomination of a President and Vice-President and in respect of a permanent seat of the Office. Due to the absence of a President, no decisions could be made in respect of the applications for Community plant variety rights, even though some files only awaited a decision. The *mandataire*, Mr Louis Van Eylen, not being appointed by the Council of the European Union did not have the power to fill this gap. The uncertainty about the seat of the Office made it



impossible to look for office space to house the staff of the Office adequately. In this meeting the administrative council took a decision in respect of the list of candidates for the presidency of the board of appeals of the Office to be presented to the Council of Ministers. The administrative council gave its approval in respect of the implementation of the 1995 budget. It took note of the draft budget for 1997.

A second meeting of the administrative council was held on 26 and 27 September 1996. It was the first AC meeting during which the recently appointed president of the CPVO was present in that capacity. The Council decided to create four decision committees competent in the field of: vegetables; agricultural crops; fruit; ornamental and forest trees respectively.

In respect of the competent examination offices which are entitled to carry out DUS tests on behalf of the CPVO the administrative council took note of the criteria used by the Office to select an examination office from the list of competent offices in a given case:

- the geographic origin of the variety concerned;
- the experience of the examination office of the country of origin of the applicant in respect of testing of varieties of the species concerned;
- the existence of bilateral agreements or agreements on centralised testing of the species concerned.

As long as no harmonised methods are developed in respect of the calculation of the costs of DUS testing, it was agreed that the examination offices would be paid on the basis of the so-called in-out principle. Last but not least, the Council agreed with a proposal of the Office to establish an intensive working relationship with UPOV as long as there was



no formal relationship between the Office as an organ of the European Community and that organisation.

In its meeting of 12 December 1996 the administrative council adopted a rectification of the 1996 budget and the 1997 budget. A number of technical issues were discussed such as variety testing under the status quo, cost calculation methods, contracts with examination offices and technical guidelines.

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 F. Espenhain Mrs G. Tarp
Germany	Mr W. Däschner Mr R. Elsner
Greece	Mr M. Gavras Mr T. Kastrisios
Spain	Mr Artolachipi Mr R. Lopez deHaro
France	Mr A. Perrin Ms. N. Bustin
Ireland	Mr J. Carvill Mr I. Byrne
Italy	Mrs G. Morelli Gradi Mr P. Mainolfi
Luxembourg	Mr M. Weyland Mr C. Conter
The Netherlands	Mr B. Kiewiet (Mr G. Van der Lely from 1 August 1996) Mr C. Van Winden
Austria	Mr H. Etz Mr R. Hron
Portugal	Mr T. Ribeiro Correa Mr C. Pereira Godinho

Sweden	Mr K. Öster Mrs U. Hansson
Finland	Mr O. Rekola Mr A. Vuori
United Kingdom	Mr D. Boreham Mrs K. Fox
Commission	Mr F. Mansito Mr D. Obst



Staff of the CPVO

The presidency

On the basis of the formal candidatures to the presidency of the CPVO presented by the European Commission on 27 April 1995 and after consultation with the administrative council of the CPVO, the Council of the European Union appointed Bart Kiewiet as President of the CPVO for five years, by a decision of 15 July 1996 taken pursuant to Article 43, paragraph 1 of Council Regulation (EC) No 2100/94 of 27 July 1994 (the 'basic regulation' of the CPVO).

Mr Kiewiet took office on 1 August 1996.

Other appointments

After obtaining the opinion of the administrative council of the CPVO and having consulted its President, the Council of the European Union appointed José Elena as Vice-President of the CPVO in its meeting of 16 and 17 December 1996. Mrs Gabriele Winkler and Mr Dimitrios Christodoulou were appointed President and Vice-President respectively of the board of appeal of the CPVO.

Structural organisation

In the initial phase of the CPVO (June 1995), two units were created:

- a technical unit, and
- a financial and administrative unit

However, in December 1996 a legal unit was added.

It is to be noted that the CPVO flow chart envisaged a post for an internal financial controller. By tacit agreement this task has, in fact, been performed since June 1995 by the European Commission (DG XX).

Staff

In December 1996, besides the President, the total staff of the CPVO consisted of seven temporary agents, two auxiliary agents, one consultant and one interim agent.

The financial situation

During the course of the 1996 budget year, fundamental structural changes took place (appointment of the President, the decision to base the Office in Angers, France, etc.). In the absence of precise information, a 'budget of circumstance' was drawn up for 1996. This was, in part, based on various projections regarding the evolution of the Office (ultimate location, structure, tasks, development) and its personnel (transfer, status, staffing). Erring on the side of caution, the funds deemed necessary were greatly overestimated.

Fortunately, not all of the expenditure initially envisaged actually materialised, as the execution of that budget clearly demonstrated. However, it should be noted that a commitment was made during the third quarter of 1996 to various expenditure, particularly relating to Title 3 (operational expenses), in respect of which payment was not actually made in that year. This expenditure was the subject of a detailed analysis and a carry forward to 1997.

Initial budget and rectifying budget

In its meeting of 18 and 19 December 1995, the AC adopted the 1996 budget. At that time the Office was still based in Brussels (its temporary address), and its President, Vice-President and Financial Controller, and the Chairman, Deputy Chairman and members of the board of appeal had not yet been appointed. Moreover, nothing had been decided definitely on the choice of offices to carry out technical examinations nor on a system for the payment of fees. Finally, added to these difficulties were still others relating to the limited number of staff, the temporary premises, the vacant post of accountant (provisionally filled by the *mandataire*), numerous discussions concerning the contribution of the Office to the start-up phase of the Translation Centre for Bodies of the European Union etc. Against this background the initial budget envisaged a total income of ECU 3 149 800 consisting of ECU 2 214 750 fees received and due, and a carry forward of ECU 758 800 from the preceding year. No subsidy was anticipated from the European Commission. As for expenditure, a total amount of ECU 3 149 800 was forecast.

At its meeting of 26 and 27 September, the AC adopted a rectifying budget (mainly due to difficulties relating to the premises of the Office, the grading of the post of President, the contribution to the Translation Centre and the cost of technical examinations) which put the figures for income and expenditure at ECU 3 888 601 in place of the initial figures of ECU 3 149 800.

Execution of the budget

1. Income

Income for 1996 was ECU 2 022 150.95. This fell into three categories:

- (a) Fees received – the activities of the Office are based mainly on a fee charging system (application fees, examination fees, report fees, annual fees, fees for specific requests, appeal fees, fees set by the President, administrative fees, etc.). Each corresponds to a category of service provided.
- (b) Community subsidy – the Office received no subsidy in 1996.
- (c) Interest on bank accounts – ECU 197 150.95 for 1996.

2. Expenditure

As indicated above, not all the funds initially allocated for expenditure in the 1996 budget were actually used in that year. During the start-up of the Office, certain structural expenditure was identified which, in fact, will not be incurred until 1997, 1998 or 1999.

The total expenditure for 1996 was ECU 1 216 499.38 of which ECU 471 631.06 was carried forward to 1997. This carry forward related to financial commitments entered into before 31 December 1996.

The total expenditure relating to Title 2 of the budget was ECU 195 382.35, with ECU 20 705.08 to carry forward.

It should be noted that the official location of the Office had not been decided in 1996. Thus the amounts initially allocated for removal and building related costs were not used in that year.

The surplus for 1996 was ECU 820 423.18.



The cumulated surplus for 1995 and 1996 was ECU 3 885 433.66.

Conclusion

As was the case for 1995, in 1996 expenditure was far from reaching its true level, both from a structural (personnel, furniture, buildings, IT, etc.) and an operational (technical expenditure) point of view. In fact, during 1996 the Office was still getting off the ground. The surplus (ECU 820 423.18) which resulted should therefore be viewed with caution.



Contact 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 degree of independence within the overall framework of the Community, it does of course have relations, 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 XIX (Budgets) and XX (Financial Control). The last is currently acting as financial controller of the Office on the basis of an informal agreement with the administrative council but it is hoped that this somewhat unsatisfactory temporary situation will shortly be resolved in favour of a formal arrangement between the Office and Directorate-General XX.

The Office is currently seeking to step up its relations with Directorate-General XII (Science, Research and Development) so as to be more directly involved with the evaluation of projects submitted for financial support which relate to the Office's sphere of activity. The initial reaction has been most encouraging.

Finally, 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

Relations between the Office and the European Parliament are rather complicated. The legislation establishing and governing the Office does not provide a formal role for this institution as does the equivalent legislation of many other satellite agencies. Since the Office is already genuinely self-financing and consequently receives no subsidy from the Commission, the European Parliament is unable to exercise even indirect influence over the financial affairs of the Office through its powers in relation to the Commission's budget.

Nevertheless, this formal position does not preclude contact between the Office and the Parliament. Drafts of the budget and accounts are sent 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.

There is currently an interesting debate over the status of revenue received by agencies which is excess of expenditure. Clearly the satellite agencies may not make a profit. The question is whether agencies should be entitled to retain any surplus receipts in a reserve to be drawn upon following a reduction in the level of fees charged, or, as some within the Parliament would have it, any such surplus should be paid into the general budget of the Communities. Unsurprisingly, the Office is strongly in favour of the former approach. There seems to be no good reason why, as a particular class, the customers of the Office should be required to contribute to the general resources of the European Communities.

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.

External contacts

The President paid visits to several places: Budapest/Hungary, Bonn/Germany, Hanover/Germany, London/UK, Luxembourg, The Hague/Netherlands to present papers and/or to meet representatives of national plant variety rights authorities and breeders' organisations.

External contacts of the technical unit:

28 February–1 March 1996: Hanover/Germany — *CIOPORA/German Section*

Attendance at a meeting of the German Association of Intellectual Property Rights and at the annual meeting of CIOPORA/German Section.

15–19 April 1996: Tel Aviv/Israel — *UPOV TWO*

Attendance at the UPOV TWO. Visit to several breeding companies.

22 April 1996: Luxembourg — *EUR-OP*

Discussion with the representatives of EUR-OP on the publication of the Official Gazette of the CPVO.

8 May 1996: Wellesbourne/United Kingdom — *HRI*

Field visit to new facilities of HRI Wellesbourne (UK). Various horticultural research projects were presented to the attendees, followed by guided tours of the new glasshouse, mushroom, and controlled environment facilities which have resulted from recent Ministry investments on the site.

22–23 May 1996: Nice /France — *GEVES Testing Station*

Visit to the GEVES Testing Station at Sophia Antipolis. Visit to DUS-tests of roses.

11–15 June 1996: Thessaloniki /Greece — *UPOV TWA*

Attendance at the UPOV TWA

24 June 1996: Cambridge/United Kingdom — *NIAB trials*

PVRO structure and NIAB trials (Cambridge, UK). The Plant Variety Rights Office were hosts to the CPVO on this occasion, outlining how their Office and database work on a day-to-day basis. Subsequent visit to the ornamental trials carried out at NIAB on behalf of the CPVO.

25 June 1996: Cambridge/United Kingdom — *NIAB Plant Varieties and Seeds Day*

NIAB Plant Varieties and Seeds Day (Cambridge, UK); the major trade exhibition in the UK for agricultural varieties and seed. The CPVO had a stand here, where, as well as finding written information, the Office's staff could also be consulted on the system of Community Plant Variety Rights.

8–12 July 1996: Brno/Czech Republic — *30th UPOV Vegetable Working Party*

Technical experts from this crop sector gathered at their annual meeting to discuss revisions to 13 UPOV guidelines, where the CPVO as an observer outlined its activities in this field.

12 September 1996: Landskrona/Sweden — *DUS trials*

Visit to Swedish testing and certification institute and to DUS-trials on sugar beet. Visit to the company Hilleshög and Svalöf-Weibull.

15 October 1996: Geneva /Switzerland — *UPOV Technical Committee*

17 October 1996: Frankfurt/Germany — *Poinsettia meeting*

The Office was invited, together with the Bundessortenamt and the poinsettia testing station in Aarslev, Denmark, to discuss with breeders the DUS testing of poinsettia. The revision of the UPOV guideline and the wish of breeders to fix a minimum distance were discussed.

31 October 1996: Wellesbourne/United Kingdom — *HRI Chrysanthemum Conference*

Gathering which brought participants from all sectors of the industry to discuss the latest innovations in the glasshouse production of chrysanthemums in a scientific, technical and commercial context.



17–21 November 1996: Moscow/Russia — *Russian seed legislation*

Participation in a seminar on the Russian seed legislation organised by the German plant breeders' association together with the agricultural council of the Russian Parliament.

3–4 December 1996: Research Centre, Aarslev/Denmark — *Visit to the DUS trials of poinsettia*

Visit to the DUS trials of poinsettia at the Research Centre in Aarslev. Discussion of the problems occurring with the applications (homogeneity and distinctness). Visit to the Danish breeders Daenefeldt and Thoruplund.

External contacts of the financial and administrative unit:

26 February 1996: Luxembourg — *EUR-OP/TCL*

Discussions with the representatives of EUR-OP about the publication of the official newsletter of the CPVO, and contractual negotiations with the TCL.

28 February 1996–4 March 1996: Turin/Italy — *ETF*

Attendance at an information meeting about the accounting system concerning contract management.

22 April 1996: Luxembourg — *EUR-OP/TCL*

Discussions with the representatives of EUR-OP about technical, legal and financial aspects related to the publication of the official newsletter of the CPVO, and discussions with the representatives of the TCL about the same aspects for the contract with the TCL.

25–28 April 1996: Dublin/Ireland — *European Foundation for the Improvement of Living and Working Conditions*

Attendance at a meeting with the directors of the European agencies.

23–27 June 1996: Cambridge and London/United Kingdom — *MAFF/NIAB/EMEA*

Attendance at the Varieties and Seeds Day, and discussions about the financial and accounting regulations of the European agencies.

22–23 September 1996: Turin/Italy — *ETF*

Attendance at a meeting with the personnel committee.

18 October 1996: Luxembourg — *EUR-OP/TCL*

Discussions with EUR-OP about offers for the official newsletter of the

CPVO, and attendance at a meeting with the TCL concerning translation procedures.

23 October 1996: Luxembourg — *TCL*

Attendance at a meeting with the administrative council and with the working group.



The Official Gazette of the CPVO

On 26 February 1996, the second edition of the Official Gazette of the Office was published as a double issue. Since June 1996 the Office has managed to publish its Official Gazette regularly every two months. The Gazette contains the essential information entered in the Office's 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 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.

Applications received

Agricultural species	364	26 %
Vegetables	121	9 %
Ornamentals	831	60 %
Fruits	60	4 %
Miscellaneous	2	0.1 %
Total	1378	

Number of applications received in 1996 (status at 31 December 1996)

Main agricultural species

<i>Zea mays</i>	95
<i>Triticum aestivum</i>	65
<i>Solanum tuberosum</i>	53
<i>Hordeum vulgare</i>	49
<i>Brassica napus</i>	24
<i>Helianthus annuus</i>	18

Main vegetable species

<i>Lactuca sativa</i>	30
<i>Phaseolus vulgaris</i>	16
<i>Pisum sativum</i>	12
<i>Allium porrum</i>	8
<i>Cucumis sativus</i>	8
<i>Lycopersicon lycopersicum</i> <i>Karst. ex. Farw</i>	8
<i>Brassica oleracea</i> <i>conv. botrytis var. botrytis</i>	5

Brassica oleracea
conv. capitata var. alba 1

Main ornamental species

Rosa 141

Chrysanthemum 97

Gerbera 58

Pelargonium 56

Euphorbia pulcherrima 37

Dianthus 31

Tulipa 6

Main fruit species

Fragaria 22

Malus Mill 21

Prunus persica 5

Vaccinium L. 3

Prunus avium 2

Prunus salicina 1



Origin of applications

(status at 31 December 1996)

Belgium	62
Denmark	85
Germany	222
Greece	3
Spain	13
France	148
Ireland	1
Italy	34
Luxembourg	2
Netherlands	485
Austria	0
Portugal	0
Finland	0
Sweden	19
United Kingdom	135
Total European Union	1 209

Rights granted

Agricultural species	568
Vegetables	169
Ornamentals	662
Fruits	56
Miscellaneous	5
Total	1 460

Annexes

The following examination offices and the relevant testing stations were working in 1996 on behalf of the CPVO:

Plant Species	Contract partner	Testing station
<i>Aeschynanthus</i>	Bundessortenamt, D	BSA, Hanover
<i>Albizia</i>	GEVES, F	GEVES, La Minière
<i>Allium ascalonicum</i>	GEVES, F	GEVES, Brion
<i>Allium sativum</i>	SGSPV, E	SGSPV, Aranjuez
<i>Alstroemeria</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Anisodonthea</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Anthirrinum majus</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Anthurium</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Aster</i>	Plant Breeders' Rights Council, IL	Plant Breeders' Rights C. Bet Dagan
<i>Astilbe chinensis</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Begonia elatior</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Bidens</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Beta vulgaris</i>	Statens Växsortnämnd, S	Solna
<i>Brassica napus</i>	GEVES, F	GEVES, La Minière
<i>Brassica oleracea</i> <i>conv. capitata</i> <i>var. alba</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Brassica oleracea</i> <i>conv. botrytis</i> <i>var. cymosa</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Brassica oleracea</i> <i>L. var. sabauda L.</i>	PVRO, UK	SASA, Edinburgh
<i>Bromeliaceae</i>	RvhK, NL	CPRO-DLO, Wageningen

<i>Calathea</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Calluna vulgaris</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Chrysanthemum</i>	PVRO, UK	NIAB, Cambridge
<i>Clematis</i>	PVRO, UK	NIAB, Cambridge
<i>Cornus alba</i>	PVRO, UK	NIAB, Cambridge
<i>Corynocarpus</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Cotoneaster</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Cyclamen persicum</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Dahlia</i>	PVRO, UK	NIAB, Cambridge
<i>Dianthus</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Euphorbia x lomii</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Euphorbia pulcherrima</i>	Institute of Plant and Soil Science, Tystofte, DK	Danish Institute of Agricultural Sciences, Aarslev
<i>Eustoma</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Ficus</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Fragaria</i>	Bundessortenamt, D CNPPA, P	BSA, Wurzen CNPPA, Lisbon
<i>Geranium</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Gerbera</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Gladiolus</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Halimocistus</i>	PVRO, UK	NIAB, Cambridge
<i>Helianthus annuus</i>	GEVES, F	GEVES, La Minière
<i>Hibiscus rosa sinensis</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Hippeastrum</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Impatiens New Guinea</i>	Bundessortenamt, D	Bundessortenamt, Hanover

<i>Impatiens walleriana</i>	GEVES, F	GEVES, La Minière
<i>Iris</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Ixora</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Kalanchoë blossfeldiana</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Lactuca sativa</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Lilium</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Myosotis</i>	PVRO, UK	NIAB, Cambridge
<i>Ocimum basilicum</i>	Bundessortenamt, D	BSA, Hanover
<i>Osteospermum ecklonis</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Pelargonium peltatum</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Pelargonium zonale</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Pentas</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Petroselinum crispum</i>	Bundessortenamt, D	BSA, Hanover
<i>Petunia</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Pisum sativum</i>	Bundessortenamt, D	BSA, Rethmar
<i>Prunus cerasifera</i>	SGSPV, E	D.A., Zaragoza
<i>Prunus insititia</i>	SGSPV, E	D.A., Zaragoza
<i>Prunus persica</i>	SGSPV, E GEVES, F	CSIC, Zaragoza INRA, Bordeaux
<i>Populus</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Ribes uva-crispa</i>	Bundessortenamt, D	BSA, Wurzen
<i>Rhododendron</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Ribes grossularia</i>	Bundessortenamt, D	BSA, Wurzen
<i>Rosa</i>	Bundessortenamt, D	Bundessortenamt, Rethmar
<i>Rosa</i>	GEVES, F	GEVES, La Minière

<i>Rosa</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Rumohra</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Saintpaulia</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Salix</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Scaevola</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Schefflera</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Solanum jasminoides</i>	PVRO, UK	NIAB, Cambridge
<i>Solanum tuberosum</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Spathiphyllum</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Torenia</i>	Bundessortenamt, D	Bundessortenamt, Hanover
<i>Triticum aestivum</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Tulipa</i>	RvhK, NL	CPRO-DLO, Wageningen
<i>Valerianella locusta</i>	GEVES, F	GEVES, Brion
<i>Viola wittrockiana</i>	Bundessortenamt, D	BSA, Hanover
<i>Zea mays</i>	GEVES, F Bundessortenamt, D	GEVES, La Minière BSA, Hanover

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