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NOTE

From:	Presidency
To:	Working Party Counsellors/Attachés (Phytosanitary Matters)
Subject:	Appointment of the President of the Community Plant Variety Office - <i>Selection procedure</i>

1. In accordance with Article 43(1) of Council Regulation (EC) No 2100/94¹, the President of the Community Plant Variety Office (CPVO) is appointed by the Council from a list of candidates which shall be proposed by the Commission after obtaining the opinion of the Administrative Council of the CPVO.
2. The term of office of the previous President ended on 31 August 2021.
3. On 22 September 2021, the Commission decided on the shortlist of candidates, subsequently informed the Council of that decision and transmitted relevant documentation (motivation letters and curricula vitae of the candidates)².
4. For a previous similar exercise regarding the appointment of one member of the Management Board of the European Food Safety Authority, on 22 September 2021, the Permanent Representatives Committee endorsed a revised selection procedure³. The Presidency has reviewed the procedure in order to adapt it to the current situation. The outcome of this review is presented in the Annex to this document.

¹ Council Regulation (EC) No 2100/94 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1).

² ST 12738/21

³ ST 11794/21

5. The Working Party Counsellors/Attachés (Phytosanitary Matters) is invited to consider the reviewed draft selection procedure set out in the Annex to this document.
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**SELECTION PROCEDURE
FOR THE APPOINTMENT OF THE PRESIDENT
OF THE COMMUNITY PLANT VARIETY OFFICE (CPVO)
(DRAFT 07.10.21)**

The Community Plant Variety Office (CPVO) is an independent EU Agency, established by Council Regulation (EC) No 2100/94 of 27 July 1994. The CPVO is responsible for the management of the Community Plant Variety Rights System.

The CPVO is managed and represented by the President. The President shall be appointed by the Council from a list of candidates which shall be proposed by the Commission after obtaining the opinion of the Administrative Council of the CPVO¹, for a renewable term not exceeding 5 years.

The term of office of the previous President ended on 31 August 2021. Currently, the Vice-President is the Acting President of the CPVO.

For the purpose of filling the vacant position, the Commission drew up a list of two candidates.

Delegations will be invited to indicate bilaterally to the General Secretariat of the Council the candidate on the list drawn up by the Commission whose appointment as new President of the CPVO they recommend.

The General Secretariat will inform delegations which candidate received the higher number of recommendations. That candidate will be retained. The retained candidate should be proposed to the Permanent Representatives Committee for confirmation, preferably as a 'I' item on the agenda.

In the event that the two candidates obtain the same number of recommendations, both candidates will be proposed as a 'II' item on the agenda to the Permanent Representatives Committee, which will hold a secret ballot. If that secret ballot results in the two candidates obtaining the same number of recommendations again, a draw will take place to determine the candidate to be appointed by the Council.

A draft appointment decision will then be submitted to the Council for adoption, preferably as an 'A' item on the agenda.

¹ Article 43(1) of Council Regulation (EC) No 2100/94 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1).