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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	12990/21
Subject:	Alternate Chairman of the Board of Appeal of the Community Plant Variety Office (CPVO): Selection procedure – <i>Recommendations by delegations</i>

1. In accordance with Article 47(1) of Council Regulation (EC) No 2100/94¹, the Alternate Chairman of the Board of Appeal 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 Alternate Chairman ended on 14 October 2021.
3. On 13 October 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. In order to comply with Regulation (EU) 2018/1725³, the personal files of the candidates were transmitted to the Permanent Representations in an encrypted form.

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

² 12968/21

³ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (OJ L 295, 21.11.2018, p. 39).

4. In accordance with the procedure endorsed by the Permanent Representatives Committee on 27 October 2021⁴, the Presidency invites the delegations to indicate bilaterally to the General Secretariat of the Council the candidate on the list drawn up by the Commission whose appointment as new Alternate Chairman of the Board of Appeal of the CPVO they recommend.
 5. Delegations are invited to indicate the recommended candidate to the General Secretariat of the Council by email addressed to volker.wachtler@consilium.europa.eu and to marc.leguende-lacroix@consilium.europa.eu, by 24 November 2021, close of business.
 6. Then, in accordance with the procedure endorsed by the Permanent Representatives Committee on 27 October 2021, the General Secretariat of the Council will inform delegations whether there is a simple majority of Member States in favour of one of the candidates, in which case that candidate can be proposed to the Permanent Representatives Committee for confirmation, as a 'I' item on the agenda, or whether there is no simple majority of Member States in favour of one of the candidates, in which case delegations will proceed to a second round, according to the arrangements set out in the endorsed procedure.
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⁴ 12990/21