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'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 1)

No. prev. doc.: WK 14455/2023 INIT + ADD 1

Subject: Chairperson of the Board of Appeal of the Community Plant Variety Office (CPVO): Selection procedure
- *Endorsement*

1. In accordance with Article 47(1) of Council Regulation (EC) No 2100/94¹, the Chairperson 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 Chairperson ended on 18 February 2023.
3. On 6 July 2023, 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.

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

² ST 12311/23

4. On 14 November 2023, the Working Party Counsellors/Attachés (Agri - Genetic Resources and Innovation in Agriculture) examined a selection procedure for the appointment of the Chairperson of the Board of Appeal of the CPVO as proposed by the Presidency and agreed to submit it to the Permanent Representatives Committee for endorsement³. That selection procedure is set out in the Annex to this note.
5. The Permanent Representatives Committee (Part 1) is therefore invited to endorse the selection procedure, as set out in the Annex to this document.

³ WK 14455/2023 INIT + ADD 1

SELECTION PROCEDURE FOR THE APPOINTMENT
OF THE CHAIRPERSON OF THE BOARD OF APPEAL
OF THE COMMUNITY PLANT VARIETY OFFICE (CPVO)

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.

Appeals made against certain kinds of decisions taken by the CPVO are decided on by the Board of Appeal. The Chairperson of the Board of Appeal 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 of 5 years.

The term of office of the previous Chairperson ended on 18 February 2023.

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

Delegations will be invited to vote, by secret ballot, for one of the two candidates. As a vote by secret ballot requires a physical meeting, it will be placed on the agenda of the Working Party Counsellors/Attachés (Agri - Genetic Resources and Innovation in Agriculture).

¹ Article 47(1) of Council Regulation (EC) No 2100/94 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1).

- If, at the first round, one candidate obtains a higher number of votes, that candidate will be retained.
- If, at the first round, both candidates obtain an equal number of votes, the Working Party Counsellors/Attaches (Agri - Genetic Resources and Innovation in Agriculture) will proceed to a second round of vote by secret ballot, under the same conditions.
- If, at the second round, one candidate obtains a higher number of votes, that candidate will be retained.
- If, at the second round, both candidates obtain again an equal number of votes, a draw will take place to determine the candidate that will be retained.

In each case, the retained candidate should be proposed to the Permanent Representatives Committee for confirmation, preferably as a 'I' item on the agenda.

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