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## V

*(Announcements)*

## ADMINISTRATIVE PROCEDURES

## COMMUNITY PLANT VARIETY OFFICE

**CALL FOR EXPRESSION OF INTEREST IN THE APPOINTMENT AS ALTERNATE CHAIRPERSON  
OF THE BOARD OF APPEAL OF THE COMMUNITY PLANT VARIETY OFFICE**

(2020/C 424 A/01)

**DESCRIPTION OF THE OFFICE AND ITS BOARD OF APPEAL**

The Community Plant Variety Office (hereinafter referred to as 'the CPVO' or 'the Office') is an independent EU Agency, established by Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights <sup>(1)</sup>. The CPVO is an EU Agency with legal personality, responsible for the management of the Community plant variety rights system. This system provides protection with an intellectual property right for new plant varieties on European Union level. The mission of the CPVO is to deliver and promote an efficient Intellectual Property Right system that supports the creation on new plant varieties for the benefit of society.

The Office is located in Angers, France. It has around 50 Staff members and a budget of approximately EUR 20 million yearly, financed mainly by the proceeds of the various fees it levies.

For further information please consult the following website: <http://www.cpvo.europa.eu>

The abovementioned Regulation (EC) No 2100/94 provides for the establishment of one or more Boards of Appeal within the Office. A Board of Appeal is established by the Commission Regulation (EC) No 874/2009 <sup>(2)</sup> and is responsible for deciding on appeals against decisions of the Office, concerning, inter alia, the grant or refusal of Community plant variety rights, objections to the grant of rights, the nullity or the cancellation of Community plant variety rights or the grant or refusal of compulsory licences.

The Board of Appeal consist of a Chairperson, two other members, and their respective alternates. Where the Board of Appeal considers that the nature of the appeal so requires, it may call up to two further members.

**DESCRIPTION OF THE FUNCTIONS**

The CPVO is looking for an Alternate Chairperson of the Board of Appeal of the Office. In the absence of the Chairperson, his / her alternate shall perform the tasks of the Chairperson.

In those situations, the Alternate Chairperson shall:

- select for each case the other members of the Board of Appeal and their respective alternates from a list of qualified members established by the Administrative Council of the Office,
- head the Board of Appeal of the Office and exercise the powers vested in the Chairperson by Regulation (EC) No 2100/94.

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<sup>(1)</sup> OJ L 227, 1.9.1994, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 874/2009 of 17 September 2009 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office (OJ L 251, 24.9.2009, p. 3).

The Alternate Chairperson of the Board of Appeal shall be independent. In making his / her decision, he / she shall not be bound by any instructions.

More information on the Board of Appeal can be found at: <http://www.cpvo.europa.eu/main/en/home/community-plant-variety-rights/board-of-appeal>

#### **APPOINTMENT**

The current term of office of the Alternate Chairperson of the Board of Appeal runs until 14 October 2021. Under the terms of Regulation (EC) No 2100/94, the Council of the European Union decides on the appointment of an Alternate of the Chairperson on the basis of a list of candidates, which shall be proposed by the European Commission after obtaining the opinion of the Administrative Council of the Community Plant Variety Office.

The purpose of this call for expression of interest is to allow the Commission to draw up a shortlist of candidates for the function of Alternate Chairperson of the Board of Appeal, which it will submit to the Council. Candidates should note that inclusion on the list does not guarantee appointment.

The European Commission will set up a selection panel which will invite applicants with the best profile for the specific requirements of the post to an interview, selected on the basis of their merits and the criteria set out below. Following these interviews, the European Commission will adopt a list of candidates, which will be submitted to the Administrative Council of the Office for opinion, before being communicated to the Council. Candidates may be called for an interview with the relevant Commissioner.

The term of office shall be five years. It shall be renewable in accordance with Regulation (EC) No 2100/94.

#### **REQUIREMENTS**

- The candidate must be a national of one of the EU Member States.
- The candidate shall not perform any other duties in the Community Plant Variety Office.
- The candidate must have a very good knowledge of English<sup>(3)</sup>. Knowledge of other official EU languages is an advantage.
- The candidate must also have:
  - A university degree in law, or a qualification by recognised experience in the field of intellectual property or plant variety registration
  - At least 10 years of post-graduate level work experience<sup>(4)</sup> of which a significant part relates to intellectual property; plant variety rights would be an advantage.
  - Judicial or related experience in the field of intellectual property would be an advantage, as also administrative and management experience, preferably acquired in the public service of a Member State or of an intergovernmental organisation.

#### **CONDITIONS OF EMPLOYMENT**

In the absence of the Chairperson, the Alternate Chairperson will be expected to be available on a part-time basis, to deal with appeal cases as they arise. The Alternate Chairperson is not required to suspend his / her current professional activities, but any such activities must be compatible with the requirements that members of the Boards of Appeal be independent. The Staff Regulations of Officials and Conditions of Employment of other servants of the European Union (the 'Staff Regulations') do not apply to the Chairperson, Alternate Chairperson and members of the Board of Appeal (Articles 31 and 47 of Regulation (EC) No 2100/94) who are not already employed as servants of the European Union.

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<sup>(3)</sup> The selection panel will ensure that no undue advantage is given to native speakers.

<sup>(4)</sup> Professional experience is only taken into consideration if it represents an actual work relationship defined as real, genuine work, on a paid basis and as employee (any type of contract) or provider of a service. Professional activities pursued part-time shall be calculated pro rata, on the basis of the certified percentage of full-time hours worked. Maternity leave / parental leave / leave for adoption is taken into consideration if it is in the framework of a work contract. PhDs are assimilated to professional experience, even when unpaid, but for a duration of three years maximum, provided that the PhD has been successfully completed. A given period may be counted only once.

The Alternate Chairperson will be required to declare any interests, which may conflict with his / her duty to the Board of Appeal.

The alternate Chairperson will be expected to be available for these duties at least 10 days/calendar year.

By decision of the Administrative Council of the CPVO of 19 September 2019:

1. EU servants in active service within an EU Institution, Agency, Body, Authority who are appointed to act on the CPVO Board of Appeal, are not allowed to be in receipt of remuneration from other EU Institutions, but only reimbursement of mission costs, as per the Staff Regulations. To this end, it is appropriate that the assignment to serve on the CPVO Board of Appeal as Alternate Chairperson is agreed with their EU Institution or Agency.
2. The CPVO may enter into a service level agreement (SLA) or Memorandum of Understanding (MoU) with an EU Institution or an EU Agency to regulate the conditions on costs (including mission costs) for its staff to serve on the CPVO Board of Appeal.

The remuneration of the Alternate Chairperson the Board of Appeal who is not an EU servant is as follows:

- Remuneration per actual day of work (1 day/8 hours): 500 (in EUR),
- Maximum remuneration per one appeal: 7 500 (in EUR).

In addition to the said remuneration, the Alternate Chairperson of the Board of Appeal will be in receipt of:

- (a) Travel and living expenses in accordance with the latest Rules regarding the reimbursement of experts coming to CPVO meetings or travelling on behalf of the CPVO to meetings.
- (b) One additional day of work for travelling time to and from Angers, provided the oral hearing actually takes place and travelling time spent takes more than an hour. In case of several cases examined by the Board of Appeal over one or several consecutive days, only one additional day for travelling time shall be given.

Hearings of the Board of Appeal are held at the seat of the CPVO in Angers, France, or virtually.

#### **EQUAL OPPORTUNITIES**

The European Commission and CPVO apply a policy of equal opportunities and non-discrimination in accordance with Article 1d of the Staff Regulations <sup>(5)</sup>.

#### **APPLICATIONS**

Before submitting your application, you should carefully check whether you meet all eligibility requirements, particularly concerning the types of diploma, high-level professional experience as well as linguistic capacity required. Failure to meet any of the eligibility requirements means an automatic exclusion from the selection procedure.

If you want to apply, you must register via the Internet on the following website and follow the instructions concerning the various stages of the procedure:

<https://ec.europa.eu/dgs/human-resources/seniormanagementvacancies/>

You must have a valid email address. This will be used to confirm your registration as well as to remain in contact with you during the different stages of the procedure. Therefore, please keep the European Commission informed about any change in your email address.

To complete your application, you need to upload a CV in PDF format and to fill out, online, a letter of motivation (maximum 8 000 characters). Your CV and your letter of motivation may be submitted in any of the official languages of the European Union.

Once you have finished your online registration, you will receive an electronic mail confirming that your application has been registered. **If you do not receive a confirmation mail, your application has not been registered!**

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<sup>(5)</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01962R0031-20140701&from=EN>

Please note that it is not possible to monitor the progress of your application online. You will be contacted directly by the European Commission regarding the status of your application.

If you require more information and/or encounter technical problems, please send an email to: HR-MANAGEMENT-ONLINE@ec.europa.eu

For functional reasons and to complete the selection procedure as quickly as possible in the interest of the candidates as well as that of the institutions, the selection procedure will be carried out in English <sup>(6)</sup>.

#### **CLOSING DATE**

The closing date for registration is **19 January 2021**. Online registration will not be possible after 12.00 noon Brussels time.

It is your responsibility to complete your online registration in time. We strongly advise you not to wait until the last few days before applying, since heavy internet traffic or a fault with your internet connection could lead to the online registration being terminated before you complete it, thereby obliging you to repeat the whole process. Once the deadline for the submission of registrations has passed, you will no longer be able to introduce any data. Late registrations are not accepted.

#### **IMPORTANT INFORMATION FOR APPLICANTS**

Applicants are reminded that the work of the selection committees is confidential. It is forbidden for applicants to make direct or indirect contact with members of these committees, or for anybody to do so, on their behalf. All queries must be addressed to the secretariat of the relevant panel.

#### **PROTECTION OF PERSONAL DATA**

The Commission will ensure that candidates' personal data are processed as required by Regulation (EU) 2018/1725 of the European Parliament and of the Council <sup>(7)</sup>. This applies in particular to the confidentiality and security of such data.

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<sup>(6)</sup> The selection panel will ensure that no undue advantage is given to native speakers.

<sup>(7)</sup> 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).



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