



Postponement of testing rules – Explanatory note

All three situations I, II and III can be granted at the same time (e.g. Plant material from New Zealand, not virus-free and not grafted onto the requested rootstock). The applicant should be the “first time applicant” if the claim is made under situation II) and/or met the requirement of “one-off reprieve” if the claim is made under situation III.

The applicant must explicitly refer to one situation or combination of more in the request to avoid interpretation issues which may impact the other requests from the same applicant. It is up to the applicant to provide sufficient justification and any supporting evidence to the claim(s) made.

A single request may refer to several varieties.

“Original submission date” and “the original deadline set by the Office” have the same meaning and it should be understood as the date corresponding to the end of the submission period for the plant material as indicated to the applicant in the CPVO official request letter. It may happen, that the “original deadline” as indicated in the official request for plant material is further extended upon applicant’s request and after consultation with the examination office; if a request for postponement pursuant to the “Postponement of testing rules” is made only within the extended submission period, the request will be rejected.

In case a year postponement is granted pursuant to the Situation I, further postponement pursuant to Situations II and/or III can be granted provided that the conditions specified in the Situations II and/or III are met.

“A final decision on granting such derogation is always taken on a case by case basis by the CPVO and notified to the applicant” means that the decision is taken either by the Decision Committee or by the CPVO expert depending on complexity of the case at hand. The decision is notified to the applicant or his procedural representative by electronic means with a copy to the examination office concerned.

Situation II

“First – time applicants” - The postponement Situation II can be granted to the applicants that apply for the first time for CPVR regardless the species. It is not allowed according to the point (ii) for any further application of the same applicant.

The postponement Situation II is a one year postponement.

“List” – at the point ii. means the list of applicants to whom a postponement based on the Situation II have been granted and recorded in the CPVO database.

Situation III

Taking into account that phytosanitary regulations differ among examination offices depending on the testing station destination and the species, the “One – off reprieve” referred to at the point i. means that the applicant can be granted the postponement situation III just once in relation to country of destination of the plant material (i.e. the country where the examination office in charge of the technical examination of the variety concerned is located) and in relation to the species concerned. The statement at the point ii.: “any subsequent re-offence would not be permitted” indicates that the postponement pursuant to the Situation III can be granted only once in relation to a given destination place and species as mentioned above.

Duration of postponement pursuant to the Situation III is of one year, although it can be extended up to a maximum period corresponding to the quarantine duration in a given country notified by the applicant and supported by a statement of the quarantine authority to the Office.

“List” – at the point ii. means the list of applicants to whom a postponement based on the Situation III have been granted and recorded in the CPVO database.