



CPVO

Community Plant Variety Office

Decision of the President on the change of fee group concerning pharmaceutical Cannabis variety applications

Having regard to Article 42(2)(a) of Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights on the powers of the President of the CPVO;

Having regard to Article 113(2)(b) of Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights on the fees to be charged for the arrangement and carrying out of the technical examination;

Having regard to Article 8(1) of Commission Regulation (EC) No 1238/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office (the Fees Regulation) on the fees to be paid for each growing cycle of the technical examination;

Having regard to Annex 1 of the Fees Regulation establishing the fee groups concerning the technical examination of candidate varieties;

Having analysed the costs together with the Examination Office carrying out the centralised testing of varieties of pharmaceutical Cannabis (Naktuinbouw), based on the experience of five years of testing under the fee group 4 ("other agricultural species"), and taking into account that varieties of pharmaceutical Cannabis are tested in the same manner as varieties falling under fee group 8 ("species with living reference collection, requiring cultivation in greenhouse");

Having taken into account that the fee to be paid under fee group 4 is 25% lower than the fee to be paid under Cost group 8;

Having knowledge that the current level of remuneration that the CPVO pays to Naktuinbouw for testing pharmaceutical Cannabis varieties does not reflect the real costs and that it is too low;

In order to reflect the general principle that examination offices shall be remunerated for their costs of the technical examinations, and after consultations with Naktuinbouw on an appropriate amount, the remuneration to be paid by the CPVO to Examination Offices for the examination of varieties of pharmaceutical Cannabis will be those reflected in Cost group 8 specified in the Designation Agreement.

In accordance to the principle that applicants should in essence pay the same amount for a technical examination as the remuneration that the CPVO pays to the examination offices for the technical examination, the fees to be paid by applicants for the examination of varieties of pharmaceutical Cannabis shall be those reflected in fee group 8 as set out in Annex 1 of the Fees Regulation.

THE FOLLOWING HAS BEEN DECIDED:

1. The fees relating to technical examinations as referred to in Article 8 of the Fees Regulation to be paid by applicants for varieties of pharmaceutical Cannabis shall be those reflected in fee group 8 as set out in Annex 1 of the Fees Regulation.
2. The decision is applicable as from 1 January 2020.

Done at Angers, 19 December 2019

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