

Decision of the President of the CPVO Concerning the extension of time limits

The President of the Community Plant Variety Office,

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights¹ (hereinafter referred to as the Basic Regulation), and in particular Article 42(2)(a) thereof, pursuant to which the President of the Office shall take all necessary steps, including the adoption of internal administrative instructions and the publications of notices, to ensure the functioning of the Office in accordance with the provisions of this Regulation, with those referred to in Articles 113 and 114, or with the rules established, or guidelines issued, by the Administrative Council pursuant to Article 36(1),

Having regard to Commission Regulation (EC) No 874/2009 of 17 September 2009² establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office (recast)³ (hereinafter referred to as the Proceedings Regulation), and in particular Article 71(2) and (3) thereof stating that:

2. If a time limit expires on a day on which there is a general interruption or a subsequent dislocation in the delivery of mail in a Member State or between a Member State and the Office, the time limit shall be extended until the first day following the end of the period of dislocation or interruption in the delivery of mail for parties to proceedings having their domicile or seat or establishment in the Member State concerned or having appointed procedural representatives with a seat in that State. Should the Member State concerned be the State in which the Office is located, this provision shall apply to all parties to proceedings. The duration of the period of interruption or dislocation shall be as stated and communicated by the President of the Office.

As regards documents submitted by electronic means, the first subparagraph shall apply *mutatis mutandis* where there is an interruption of the connection of the Office or of one of the parties to the proceedings to the electronic means of communication. Parties to the proceedings shall demonstrate the interruption of the connection with the electronic provider.

3. Paragraphs 1 and 2 shall apply *mutatis mutandis* to the national agencies, or the sub-offices designated, pursuant to Article 30(4) of the Basic Regulation as well as to the Examination Offices.

¹ OJ L 227, 1.9.1994, p. 1

² Amended by Commission Implementing Regulation (EU) 2016/1448 of 1 September 2016 published in OJ L 236, 2.9.2016, p. 1

³ OJ L 251, 24.9.2009, p. 3

Whereas:

- (1) On 11/3/2020 the Director General of the World Health Organization announced that the outbreak of coronavirus disease (COVID-19) can be characterized as a pandemic. The outbreak has significantly affected worldwide communications.
- (2) The extent and the status of the coronavirus disease (COVID-19) outbreak constitutes a disruption that is preventing proper communications between parties to proceedings, procedural representatives and the Office from continuing as normal,

HEREBY DECIDES:

Article 1

Purpose and scope

1. This Decision applies only to payments of fees for arranging and carrying out the technical examination of a variety, namely the 'examination fees' under Article 8 of Commission Regulation 1238/95, and the payment of annual fees under Article 9 of the same regulation (hereinafter jointly referred to as 'fees'), subject to Article 1.2 of this Decision.
2. The time limit of one month under Article 83(2) of the Basic Regulation for payment of the fees under Article 1.1. of this Decision is extended to three months from the date on which the Office has served a new request for payment. The extension of the aforementioned time limit shall apply to any outstanding debit note regarding the fees under Article 1.1. of this Decision with a due date for payment until 21 September 2020 included.
3. Any other time limits regarding proceedings with the Office are not affected by this Decision.

Article 2

Entry into force

This Decision enters into force on 4 May 2020 and will be published in the Official Gazette of the Office. The decision will also be published on the CPVO website on the day of its adoption.

This Decision repeals and replaces entirely the previous Decision of 24 March 2020.



Martin Ekvad

President of the Community Plant Variety Office

Monday, 27 April 2020