Changes to legislation: *Commission Implementing Regulation (EU) 2016/2141 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commission Implementing Regulation (EU) 2016/2141 of 6 December 2016 amending Regulation (EC) No 1238/95 as regards the level of the annual fee and of the examination fees payable to the Community Plant Variety Office

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2141

of 6 December 2016

amending Regulation (EC) No 1238/95 as regards the level of the annual fee and of the examination fees payable to the Community Plant Variety Office

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community Plant Variety Rights[(1)], and in particular Article 113 thereof,

After consulting the Administrative Council of the Community Plant Variety Office,

Whereas:

(1) Article 9(1) of Commission Regulation (EC) No 1238/95[(2)] sets out the level of the fee payable to the Community Plant Variety Office ('the Office') for each year of the duration of a Community plant variety right.

(2) Since the financial reserve of the Office has decreased below the level necessary to maintain a balanced budget and to safeguard the continuity of its operations, that annual fee should be increased.

(3) Article 8(1) of Regulation (EC) No 1238/95 and Annex I thereto set out the level of the fees for arranging and carrying out the technical examination of a variety being the subject of an application for a Community Plant Variety right payable to the Office, 'the examination fee'.

(4) Experience gathered concerning the technical examination shows that the examination fees may change over time for certain cost groups. The fees charged by the Office should reflect the total amount of the fees for the respective cost groups to be paid by the Office to the Examination Offices. The fees set out in Annex I to Regulation (EC) No 1238/95 should therefore be modified for the cost groups concerned.

(5) Regulation (EC) No 1238/95 should therefore be amended accordingly.

(6) It would be appropriate that the proposed amendments apply as from 1 January 2017, to align with the beginning of the new financial year for the budget of the Office.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Community Plant Variety Rights,

HAS ADOPTED THIS REGULATION:

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Article 1

Regulation (EC) No 1238/95 is amended as follows:

(1) in Article 9, paragraph 1 is replaced by the following:

1. The Office shall charge a holder of a Community plant variety right (‘the holder’) a fee of EUR 330 for each year of the duration of a Community plant variety right (‘annual fee’), as referred to in Article 113(2)(d) of the Basic Regulation.;

(2) Annex I is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2017.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 6 December 2016.

For the Commission

The President

Jean-Claude JUNCKER