Commission Regulation (EC) No 572/2008 of 19 June 2008 amending Regulation (EC) No 1238/95 as regards the level of the annual fee and the fees relating to technical examination, payable to the Community Plant Variety Office, and the manner of payment

COMMISSION REGULATION (EC) No 572/2008

of 19 June 2008

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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) 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[(2)], sets out the fees payable to the Community Plant Variety Office ('the Office'), and the levels of those fees.

(2) The financial reserve of the Office had reached a level which exceeded the level necessary to safeguard the continuity of its operations. For this reason the annual fee and the fees relating to technical examination were reduced. The financial reserve of the Office has now decreased to an appropriate level and the revenue should therefore be raised again to a level which is sufficient for the budget of the Office to be balanced. To achieve this, the annual fee and the fees relating to technical examination should be increased.

(3) As regards new species, the experience gathered with the fee groups for the technical examination of ornamentals, has shown that there is a need to amend some of those fee groups.

(4) To facilitate the payment of fees and charges, payment by payment cards should be allowed subject to conditions and limitations to be determined by the President of the Office.

(5) At the same time the terms 'ecus' and 'ECU' should be respectively replaced by the terms 'euros' and 'EUR' throughout Regulation (EC) No 1238/95.

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

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 572/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(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:

Article 1

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

1. in Article 1(2), the word ‘ecus’ is replaced by ‘euros’;

2. in Article 3(2), points (a), (b) and (c) are replaced by the following:

   (a) delivery or remittance of certified cheques which are made payable in euros to the Office;

   (b) transfer in euros to a giro account held by the Office;

   (c) payment into a charge account held in euros with the Office; or

   (d) payment by payment card.

3. in Article 7(1), Article 8(1), Article 10(1), points (a), (c) and (d), Article 11(1), Article 13(3) and Article 14(2) and (4), the word ‘ECU’ is replaced by ‘EUR’;

4. Article 9(1) is replaced by the following:

1. The Office shall charge a holder of a Community plant variety right (hereinafter referred to as the holder) a fee for each year of the duration of a Community plant variety right (hereinafter referred to as annual fee) of EUR 300 for the year 2009 and the following years.

5. Annex I to Regulation (EC) No 1238/95 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2009.

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

Done at Brussels, 19 June 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 572/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX

Annex I is replaced by the following:

ANNEX I

Fees relating to technical examinations as referred to in Article 8

The fee to be paid for the technical examination of a variety pursuant to Article 8 shall be determined in accordance with the table:

(in EUR)

Cost group		**Fee**
Agricultural group		
1	Regular crops	1 200
2	Vegetatively propagated crops	1 700
3	Oil crops	1 340
4	Grasses	1 970
5	Beet crops	1 300
6	Fibre crops	1 160
7	Crops with special test arrangements	1 340
8	Other agricultural crops	1 340
Ornamental group		
9	Species with living reference collection, greenhouse test, long cultivation	1 700
9A	Species with living reference collection, greenhouse test, long cultivation and special phytosanitary conditions	2 140
10	Species with living reference collection, greenhouse test, short cultivation	1 610
11	Species with living reference collection, outdoor test, long cultivation	1 430
12	Species with living reference collection, outdoor test, short cultivation	1 300
13	Species without living reference collection,	1 430