



EUROPEAN COMMISSION

Health and Food Safety Directorate General

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**Standing Committee on Plants, Animals, Food and Feed**  
**Section *Community Plant Variety Rights***  
**12 May 2023**

**CIRCABC Link:** [https://circabc.europa.eu/ui/group/0476802e-7a72-406d-92e8-30b1a3dd90b0/library/0be0105a-4e20-4b75-bf27-5d1b3d74edca?p=1&n=25&sort=title\\_ASC](https://circabc.europa.eu/ui/group/0476802e-7a72-406d-92e8-30b1a3dd90b0/library/0be0105a-4e20-4b75-bf27-5d1b3d74edca?p=1&n=25&sort=title_ASC)

<b>SUMMARY REPORT</b>
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**B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Regulation (EC) No 1238/95 as regards the fees payable to the Community Plant Variety Office.**

The Commission presented the draft and at the request of one Member State introduced a small change on allowing the President of the CPVO to exercise in advance payment on the concerned administrative fees.

**Vote taken:** Favourable opinion.

**M.01 European Court of Justice C-522/21 Judgment.**

The Commission informed about the European Court of Justice C-522/21 Judgment which rendered that Article 18(2) of Commission Regulation (EC) No 1768/95 is invalid in relation to a case where a person has repeatedly and intentionally not complied with his obligation to pay the remuneration on the use of farm saved seed of a protected variety. The Commission will seek to propose a text to replace the wording on the liability to compensate the damage caused by a lump sum with a text adjusting the compensation to the actual damage suffered by the breeder. The Commission will consult the Member States as to receive input on elements for replacing the lump sum.