

(English version)

Question for written answer E-004187/18
to the Commission
Miguel Viegas (GUE/NGL)
(29 July 2018)

Subject: Granting patents on conventional seeds

The European Patent Office (EPO) continues to grant patents on seeds. This is causing supply to become increasingly concentrated, to the detriment of biodiversity and the genetic heritage of plants. Having already granted patents on six varieties of grape, cucumber, soy bean, onion, tomato and potato, the EPO has again proceeded to grant a patent on a variety of melon (EP 245 5475) to the Dutch company ENZA Zaden. All of the plant varieties concerned were derived using similar conventional breeding techniques.

The EPO is once again violating EU guidelines, which do not allow for plant varieties obtained without genetic manipulation to be patented, i.e. using only conventional breeding techniques.

What is the Commission's view on this situation? What action will it take to ensure compliance with the European Parliament's guidelines and block such attempts to privatise a genetic heritage that should remain public?

Answer given by Ms Bieńkowska on behalf of the European Commission
(7 November 2018)

On November 2016, the Commission adopted a notice ⁽¹⁾ aiming at clarifying that plants exclusively obtained by essential biological processes are not patentable subject matter. The European Patent Organisation (EPO) whilst not an EU organisation, decided to align its implementing rules with the notice, effective as of July 2017.

The Commission does not comment the merits of specific cases decided by the EPO, in particular when appeal procedures within the European Patent Office are still ongoing. However, the Commission is closely monitoring developments in this fast-evolving sector, with Member States and relevant stakeholders.

⁽¹⁾ Commission Notice on certain Articles of Directive 98/44/EC of the European Parliament and of the Council on the legal protection of biotechnological inventions (2016/C 411/03).