

WRITTEN QUESTION E-4938/09  
by Carl Schlyter (Verts/ALE)  
to the Commission

Subject: Negotiations between the EU, Central America and the Andean countries concerning patents

Patents on seeds and hybrid plants have provoked strong criticism in those Latin American countries which have introduced legislation in accordance with the 1995 TRIPS agreement. In Argentina and Brazil, a small number of foreign seed companies have taken over the local seed market for most plants and, in doing so, have severely undermined the system based on small farmers' free trade in plant varieties and seeds.

Traditional Latin American agriculture is a living seed bank which, over the years, has been able to preserve a great variety of crops. However, small farmers from various Latin American countries now report that their crops are fertilised by plants with a patent-protected property, which forces them to pay for patents and prevents traditional agriculture because the reproduction, sale or exchange of patented seed is simply not legal without the authorisation of the seed company. Traditional agriculture has therefore ceased, biological diversity has been restrained rather than promoted and the remaining seeds for sowing are restricted to a small number of companies which control an increasingly monopolised seed market. This situation poses a threat to small farmers' rights to food and a living.

According to Latin American trade unions and organisations - including *Terra de Direitos*, which specialises in the social implications of patents on microbiological processes, genes and plant varieties - patenting has had devastating consequences for biological diversity in several Latin American countries.

To my knowledge, neither the patent rules proposed in the association agreement between the EU and Central America nor the bilateral trade negotiations taking place between the EU and Colombia and Peru respectively have taken account of such criticism, which gives rise to the following questions.

What steps does the Commission take in negotiations on patents to promote biological diversity rather than restrain it?

Is the Commission negotiating to extend the patent period for new genes and microbiological processes?

What is the Commission's position on conflicts which have been caused when individuals have involuntarily had their crops fertilised by pollen from a patented plant?