

**Question for written answer E-006066/2015
to the Commission**

Rule 130

Bart Staes (Verts/ALE)

Subject: Patent right to plants derived from conventional breeding

On 25 March 2015, the Enlarged Board of Appeal of the European Patent Office decided that patents may be obtained on plants derived from conventional breeding. This means that patents can be granted on plant and animal products which are the result of conventional breeding processes. Consequently, if there is a patent on a property of a new variety, the breeder must negotiate a licence with the patent holder in order to market this new variety, even if the protected property was already present in the breeder's propagation material. This is a slap in the face for farmers and small breeders, and will hinder the natural breeding process. It will also lead to a loss of biodiversity, further market concentration and increased dependence on large multinationals for the supply of seeds.

1. Does the Commission plan to provide a legally binding interpretation of the existing patent law which would no longer allow patents to be obtained on plants derived from conventional breeding in response to the decision of the Enlarged Board of Appeal of the European Patent Office?
2. Is the Commission prepared to propose amendments to 'Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions' in order to prohibit patents on plants derived from conventional breeding? If so, within what timescale?