

**Question for written answer E-001799/2016
to the Commission**
Rule 130
Franz Obermayr (ENF)

Subject: Bypassing European Patent law

As can be seen from an article in the *Standard'* dated 15 February 2016, the Swiss company Syngenta has been granted a patent on tomatoes with an increased flavonoid content. The agro-industrial group has thereby secured a patent on the seed, the plant and the fruit from the European Patent Office (EPO), although the European Patent Convention stipulates that patents may not be granted in respect of plant varieties or fundamentally biological processes involved in plant breeding. The fact that the company was able to patent the properties of a plant points to a loophole caused by the loose formulation of the law. What is more, the EPO earns money whenever a patent is granted, which has created further false incentive.

1. Is the Commission aware that it is possible to bypass European Patent law and, since it is not only a question of granting patents but also of protecting plant varieties, should this gap not be closed?
2. In the interests of offering small breeders protection in the face of the market power of large corporations and to avoid empowering their monopolies through patents, does the Commission believe that the gap ought to be closed?

¹ <http://mobil.derstandard.at/2000030997658/Mit-EU-Patent-droht-patentier-te-Tomate-durch-die-Hintertuer>