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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Bastiaan Belder, Johannes Blokland, Kathy Sinnott, Maciej Marian Giertych, Patrick Louis, Mario Borghezio, Matteo Salvini and Francesco Enrico Speroni

on behalf of the IND/DEM Group

on the patenting of biotechnological inventions

European Parliament resolution on the patenting of biotechnological inventions

The European Parliament,

- having regard to Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions,
 - having regard to its resolution of 30 March 2000 on the decision by the European Patent Office with regard to patent No EP 695 351 granted on 8 December 1999,
 - having regard to the report of 14 July 2005 from the Commission to the Council and the European Parliament on the development and implications of patent law in the field of biotechnology and genetic engineering (COM(2005) 312),
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas, in accordance with the subsidiarity principle, the Member States decide whether research activities are to be allowed and encouraged, and whether inventions may be patented,
- B. whereas the Member States do indeed do so, as is shown by the legal frameworks and patenting practices currently in place, which differ from Member State to Member State,
- C. whereas granting patents on human beings in all phases of their development or on part of the human body is ethically a very sensitive matter,
- D. whereas the European Patent Office recently granted a patent that includes a selection method for human stem cells, and the stem cells themselves (EP 1257168),
- E. whereas Parliament adopted a resolution in March 2000 concerning a previous case in which it objects to the granting of a patent to the University of Edinburgh that included a technique for modification of the germ line of human embryos and of the embryos themselves (EP 695 351),
- F. whereas the European Patent Office accepted the objection to the Edinburgh patent, on the grounds that it was an offence against public morality (*ordre public*), stating that patents on human embryonic stem cells may not be granted,
- G. whereas this resolution also called on the Commission to establish that the directive on the legal protection of biotechnological inventions (98/44) rules out the patenting of human beings, and manipulation of the genome and any form of human cloning, and to offer an adequate solution with regard to the existing ambiguity,
- H. whereas the lack of clarity has resulted in an ongoing discussion about the patentability of

human stem cells and DNA sequences, which so far has not yielded a satisfactory outcome,

- I. whereas the Commission published a report in July 2005 clearly stating that totipotent stem cells are not patentable,
 1. Emphasises that no action should be undertaken at European level to grant patents that are ethically unacceptable in one or more Member States;
 2. Calls on the European Patent Office, in accordance with Article 53a of the European Patent Convention, not to grant patents that constitute an offence against morality (*ordre public*), which entails respect for the dignity of the human being in all phases of its development;
 3. Reiterates its position that it objects to the granting of a patent that includes human embryonic stem cells and the embryos themselves;
 4. Calls on the Commission to revise Directive 98/44 so that human germ cells, human stem cells, human embryos, and gene sequences will be unambiguously unpatentable;
 5. Files an objection to patent EP 1257168 and calls on other institutions of the European Union and Member States to do likewise;
 6. Welcomes the position of the Commission that totipotent embryonic stem cells are not patentable, but deplores that it did not speak out accordingly on DNA gene sequences or pluripotent stem cells;
 7. Instructs its President to forward this resolution to the Council, the Commission, the European Patent Office and the governments of the Member States.