

**Question for written answer E-008189/2012  
to the Commission**  
Rule 117  
**Niccolò Rinaldi (ALDE)**

Subject: Marketing of seed

Existing EU legislation on the marketing of seed, based on Directives 98/44/EC on the legal protection of biotechnological inventions and 2002/55/EC on the marketing of vegetable seed, continues to raise concerns due to its excessive severity and lack of foresight.

The judgment of the European Court of Justice of 12 July 2012 in the case *Kokopelli v Graines Baumax SAS* would appear to confirm these concerns: the ruling, indeed, reiterates the prohibition on marketing seed that has not already been registered in the official European catalogue, even when such seeds are of ancient or traditional varieties and thus have difficulty in fulfilling the criteria of distinction, stability and homogeneity required for the patent.

The persistence of such a legal system could help strengthen some negative trends that have already been seen in recent years in the seed market, such as increasing the concentration of patents in the hands of just a few large companies, resulting in decreased competition and a loss of biodiversity.

1. Does the Commission not agree that the EU should change its current legal framework to amend the rules on the prohibition of the marketing of seed that is not registered in the official European catalogue?
2. Alternatively, does it think it might be possible to amend Directive 2009/145/EC with a view to extending the derogations provided for therein?