

**Question for written answer E-002350/2016
to the Commission**
Rule 130
Elisabeth Köstinger (PPE)

Subject: No patents on life

In accordance with Article 4 of the EU Directive on the legal protection of biotechnological inventions (98/44/EC), biological processes for the production of plants or animals are essentially not patentable.

This exception is needed to protect consumers, farmers and plant breeders and avoid exclusive rights to food. However, the latest judicial practice by the European Patent Office (G 2/12 - "Tomatoes II" and G 2/13 "Broccoli II") undermines not only European legislation, but also the rules of the European Patent Convention itself.

In order to end this alarming process, the European Commission must urgently examine the interpretation and the scope of the exception on the legal protection of biotechnological inventions. No patents on life should be issued.

1. What are the Commission's plans to ensure free access to and use of breeding material?
2. If the European Patent Office does not stop this practice of granting patents, the patent laws must be tightened. Does the Commission share this call and what other measures does the Commission identify with regard to this?