

**Question for written answer E-003819/2022  
to the Commission**  
Rule 138  
**Sarah Wiener** (Verts/ALE)

Subject:     Patenting of plant varieties

On 8 November 2022, some members of the Committee on Agriculture and Rural Development spoke about the patenting of individual plant varieties and market concentration in the seed sector. The Commission argued in the committee that essentially biological processes and products obtained therefrom by means of normal selection and breeding are not patentable and that this rule is always respected.

Whether a plant was obtained via a technical invention (which is then patentable) or via an 'essentially biological process' is not always easy to determine in each case, and seed companies find ways to patent plant varieties. This undermines the sovereignty of EU farmers and is leading to an increasing concentration of individual seed suppliers. An example is patent EP2966992 on high-temperature lettuce seeds, where the seeds are derived from conventional breeding methods, and there are other cases where patents have even been partially revoked in the past.

It is worth noting that the ban on patenting applies to all products and plant components used in or produced by essentially biological breeding processes.

1.   Is the Commission aware of the fact that there are ways to bypass the European Patent Convention and the Directive on the Legal Protection of Biotechnological Inventions to patent plant varieties?
2.   Does it see a need to close the gap in legislation on the patenting of plant varieties?

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