

**Question for oral answer O-000264/2011
to the Commission**

Rule 115

Kartika Tamara Liotard, Bairbre de Brún, Sabine Wils

on behalf of the GUE/NGL Group

Subject: Patents on broccoli, tomatoes and other products of conventional plant breeding

On 9 December 2010 the European Patent Office's (EPO) Enlarged Board of Appeal took a decision on referrals G2/07 and G1/08, which concern patents on broccoli and tomatoes. This decision has not been enforced and the patents on these items have not been revoked.

The EPO subsequently granted a patent on Monsanto melons, despite the fact that they, and the products referred to above, all derive from 'conventional plant breeding', which the EPO itself has deemed 'unpatentable'. Through these decisions and its failure to act, therefore, the EPO is abusing basic patent law and being inconsistent in its interpretation of that law.

How can the Commission ensure that patent law does not continue to be abused in a way which constitutes a 'misappropriation of the basic resources of farming and food production'?

How will the Commission ensure that the rights of farmers, breeders, food producers and consumers are protected with regard to the use of their basic resources, rights which are being infringed by this form of patenting?

What will the Commission do to ensure that European patent law in areas relating to plant breeding and food is clear and correctly applied? Will the Commission take steps to revise the current legislation in order to make it absolutely clear when a patent should not be granted? Will the Commission be an active party in the revocation procedure before the EPO?

Will the Commission take decisive steps to ensure that plants and animals derived from conventional breeding are not patentable?

Tabled: 17.10.2011

Forwarded: 19.10.2011

Deadline for reply: 26.10.2011