

## No patents on naturally obtained plants and seeds

- Open access to breeding material essential for innovation, food security, environment
- European Patent Office urged to listen to its member states

**Fruit, vegetables or animals obtained from conventional breeding processes, such as crossing, must not become patentable, MEPs said in a non-legislative resolution on Thursday.**

Patent-free access to biological plant material is essential to boost innovation and competitiveness of the European plant-breeding and farming sectors, to develop new varieties, improve food security and tackle climate change, MEPs stressed in the resolution. Furthermore, access to genetic resources must not be restricted, as this could lead to a situation where a few multinational companies have a monopoly on plant breeding material, to the detriment of EU farmers and consumers, many MEPs said in [Monday's plenary debate](#).

Parliament called on the EU Commission to do its utmost to convince the European Patent Office (EPO) not to grant patents to products obtained from essentially biological processes. It also urged the EPO to immediately restore legal clarity on the matter, stressing that none of 38 states which signed the European Patent Convention allow conventionally bred products to be patented.

*Procedure: Oral question for the Commission, with non-legislative resolution*

## Background

### Previous steps

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The European Patent Office's (EPO) Enlarged Board of Appeal decided in March 2015 in the tomato ([G0002/12](#)) and broccoli ([G0002/13](#)) cases that products obtained from essentially biological processes, such as crossing, can obtain patent protection. The European Parliament [responded](#) in December 2015 with a [non-binding resolution](#) demanding that EU rules be clarified and reiterating its [objection](#), from May 2012, to

products derived from conventional breeding being patented.

After the European Commission [intervened](#) in November 2016, the EPO [amended its policy](#) so as not to grant patents on products obtained from essentially biological breeding processes. However, the EPO's Technical Board of Appeal [rejected this decision](#) in December 2018, arguing that the European Patent Convention takes precedence over EPO's implementing rules.

The non-legislative resolution the Parliament adopted on Thursday comes ahead of the 1 October deadline for submitting statements on the patentability of naturally obtained plants to the final appellate instance in the European Patent Office (EPO). The final judgement will come from the EPO's Enlarged Board of Appeal.

MEPs noted that there are numerous patent applications for products obtained from essentially biological processes awaiting an EPO decision, leaving applicants as well as all those affected by these potential patents in dire need of legal certainty.

### Further information

[Adopted text will be available here \(19.09.2019\)](#)

[Video recording of the debate \(16.09.2019\)](#)

[Oral question for the Commission](#)

[Procedure file](#)

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