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ESA is the voice of the European seed sector. ESA's members are national associations and individual companies active in research, breeding, production and marketing of seeds of agricultural and ornamental plant species. ESA represents more than 7000 seed businesses in the EU and beyond.

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PRESS RELEASE

EUROPEAN PARLIAMENT CALLS UPON COMMISSION TO SAFEGUARD EU'S PLANT REEDERS EXEMPTION

BIOTECH PATENTS MUST NOT EXTEND TO PLANT PRODUCTS FROM CLASSICAL BREEDING / CLARIFICATION NEEDED

At its plenary session in Strasbourg, the European Parliament today adopted a resolution calling upon the European Commission to work for a clarification of the scope of patentability under the EU's Biopatenting Directive (Directive 98/44).

MEPs had drafted the resolution in reaction of a recent ruling of the Enlarged Board of Appeal of the European Patent Office which in the so-called "broccoli/tomato case" first had rejected the patentability of essentially biological processes (like e.g. classical crossing and selection) but later ruled that products derived from such processes could nevertheless still be patented.

In the resolution, MEPs express their concern with this ruling and call upon the Commission to urgently "...ensure legal clarity regarding the prohibition of the patentability of products obtained from essentially biological processes and that breeding with biological material falling under the scope of a patent is permitted."

Garlich v. Essen, Secretary General of ESA European Seed Association, welcomed the Parliament's broad support for the resolution. "All major political groups have supported this call and this truly sends a very strong signal to the Commission", von Essen said in Strasbourg. "We have always argued that patents must be restricted to true biotechnological inventions as it was intended by the legislators in 1998. If classical breeding processes are not patentable, their resulting products should not be either."

While the resolution is not legally binding for the Commission, the seed sector still attaches great importance to it.

"The political signal is clear and unambiguous. And the Parliament even points the Commission in the direction of a possible solution by underlining the need for a Commission statement that would clarify that products from classical processes should also be excluded from patentability. Such statement would then have to be used as interpretative guidance by the Patent Office in the future. This could bring about legal certainty for all plant breeders very quickly and without necessitating a lengthy legislative process." concluded Garlich von Essen.

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