Community plant variety rights: extension of the term for the species asparagus and the species groups flower bulbs, woody small fruits and woody ornamentals

2021/0019(COD) - 03/02/2021 - Legislative proposal

PURPOSE: to extend the term of Community plant variety rights for the species asparagus and the species groups flower bulbs, woody small fruits and woody ornamentals by five years.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Community Plant Variety Office (CPVO) and the Commission have carried out an analysis to determine whether there are, for the species of asparagus as well as for species groups of flower bulbs, woody small fruits and woody ornamentals, technical difficulties in breeding which require expenditure on research activities over a long period of time, if the multiplication of propagating material takes time, if the new varieties have a commercial value only in the long term and if the return on investment of the research activities is only possible at a fairly late stage of protection compared to other horticultural or agricultural crops.

The analysis carried out shows that, for the species concerned, the term of protection should be extended by five years in order to establish a legal environment conducive to an equitable remuneration of research and breeding activities.

CONTENT: the proposal for a regulation aims to extend the term of Community plant variety rights from 25 to 30 years for species of asparagus as well as for species groups flower bulbs, woody small fruits and woody ornamental crops. To this end, the proposed Regulation extends the term of protection for the species concerned by five years. This extension would apply to protection granted before, on or after 1 July 2021.

It is also proposed to reduce the duration of the extension if national property rights for these varieties have been effective in a Member State prior to the grant of a Community plant variety right and, accordingly, would already have allowed breeders to exploit their varieties.