Protection of biotechnological inventions

1988/0159(COD) - 07/02/1994 - Council position

The Council confirmed the approach taken by the Commission in its amended proposal by integrating Parliament's amendments that it had accepted. The Council thus recognised that the two main issues raised by Parliament, namely the ethical dimension of biotechnological inventions and the farmer's privilege, should be dealt with by patent law. On this last issue, the Council nevertheless felt that these regulations should take account of what future Community law on the production of plants would envisage in order to ensure that, when the patent or production law was invoked, the legal situation of the farmers concerned did not change. The Council also felt that at the moment there was no need to make provision for a farmer's privilege for livestock farming since the privilege would not be applied for many years and there was still no law on the production of animal varieties. Finally, the Council added, on its own initiative, several other amendments: it clarified the scope of the non-patentability of the human body or its elements, particularly nucleic acids; it did away with the concept of human dignity as a criteria to determine the exclusion from patentability of certain processes for modifying the genetic identity of human beings - under which chapter it raised the issue of so-called germ line gene therapy - and thus rejected association with it for therapy purposes; it strengthened the criteria of benefits in permitting an assessment of the acceptability of a procedure for determining the genetic identity of animals; it improved the consistency of certain elements in the proposal with the European Patent Convention.