

Plan protection products: creation of a supplementary protection certificate

1994/0285(COD) - 05/10/1995 - Modified legislative proposal

The Commission's amended proposal incorporated the four amendments adopted by the European Parliament to clarify the economic and legal conditions affecting the plant protection sector within the Community. The amendments were aimed mainly at emphasising that: - research into plant protection products contributed to the continuing improvement in the production and procurement of food of good quality; - plant protection products would continue to be developed if there was sufficient protection in the Community to encourage research; - the plant protection sector was in a similar situation to that experienced by the medicinal products sector when an equivalent measure to restore the period of effective protection under the patents was proposed and then adopted; - one of the purposes of the proposal was to place European industry on the same competitive footing as its international competitors. The Commission also incorporated new provisions designed to: - take account of the amendment of Directive 91/414/EEC, which had been taken place since the Commission had submitted its proposal; - clarify the scope of the protection granted by the supplementary certificate and the links between basic patents and supplementary certificates; - point out that, in general, the holder of more than one patent for the same should not be granted more than one certificate for that product and indicate the circumstances in which two or more certificates could be granted for the same product; - take account of the situation in Member States where authorisation for placing plant protection products on the market was not published in an official publication; - take account of the unique nature of the procedure for granting a product market authorisation: account would be taken of a provisional first marketing authorisation only if it was directly followed by a definitive authorisation concerning the same product; - enable the Member States which already had in place specific provisions for supplementary protection certificates for medicinal products to apply them, *mutatis mutandis*, to the supplementary certificates for plant protection products; - take account of the situation in Member States where their national parliaments had to adopt implementing rules: as a result, the regulation would enter into force six months after its publication in the OJ.