Basic information

1988/0159(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure rejected
Protection of biotechnological inventions **Subject** 3.50.08 New technologies; biotechnology 3.50.16 Industrial property, European patent, Community patent, design and pattern	

Key players

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	1782	1994-09-19

Key events

Date	Event	Reference	Summary
21/10/1988	Decision by Parliament, 1st reading	COM(1988)0496	Summary
21/10/1988	Legislative proposal published	COM(1988)0496	Summary
27/07/1989	Committee referral announced in Parliament, 1st reading		
21/01/1992	Vote in committee, 1st reading		
10/02/1992	Debate in Parliament		Summary
10/02/1992	Report referred back to committee		
20/02/1992	Vote in committee, 1st reading		
06/04/1992	Debate in Parliament		Summary
10/06/1992	Debate in Parliament		Summary
10/06/1992	Report referred back to committee		
23/09/1992	Vote in committee, 1st reading		
26/10/1992	Debate in Parliament		
16/12/1992	Modified legislative proposal published	COM(1992)0589	Summary
23/11/1993	Vote in committee, 1st reading		
07/02/1994	Council position published	04065/1/1994	Summary
24/02/1994	Committee referral announced in Parliament, 2nd reading		

27/04/1994	Vote in committee, 2nd reading		Summary
03/05/1994	Debate in Parliament		Summary
19/09/1994	Parliament's amendments rejected by Council		
28/11/1994	Formal meeting of Conciliation Committee		Summary
12/01/1995	Formal meeting of Conciliation Committee		Summary
23/01/1995	Final decision by Conciliation Committee		Summary
23/01/1995	Joint text approved by Conciliation Committee co-chairs	3606/1995	
22/02/1995	Report tabled for plenary, 3rd reading	A4-0028/1995	
01/03/1995	Debate in Parliament		Summary
01/03/1995	End of procedure in Parliament		

Technical information

Procedure reference	1988/0159(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 170 EC Treaty (before Amsterdam) E 100A
Stage reached in procedure	Procedure rejected
Committee dossier	CODE/4/05964

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0050/1992 OJ C 067 16.03.1992, p. 0007	21/01/1992	
Committee report tabled for plenary, 1st reading/single reading		A3-0126/1992 OJ C 125 18.05.1992, p. 0008	20/02/1992	
Text adopted by Parliament, partial vote at 1st reading /single reading		T3-0223/1992 OJ C 125 18.05.1992, p. 0112-0183	08/04/1992	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0286/1992 OJ C 305 23.11.1992, p. 0007	23/09/1992	
Text adopted by Parliament, 1st reading/single reading		T3-0596/1992 OJ C 305 23.11.1992, p. 0107-0173	29/10/1992	Summary
Committee final report tabled for plenary, 1st reading /single reading		A3-0364/1993 OJ C 342 20.12.1993, p. 0002	23/11/1993	
Text adopted by Parliament confirming position adopted at 1st reading		T3-0681/1993 OJ C 342 20.12.1993, p. 0015-0030	02/12/1993	Summary

Committee recommendation tabled for plenary, 2nd reading		A3-0321/1994 OJ C 205 25.07.1994, p. 0008	27/04/1994	
Text adopted by Parliament, 2nd reading		T3-0411/1994 OJ C 205 25.07.1994, p. 0230-0307	05/05/1994	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A4-0028/1995 OJ C 068 20.03.1995, p. 0013	22/02/1995	
Text adopted by Parliament, 3rd reading		T4-0078/1995 OJ C 068 20.03.1995, p. 0015-0026	01/03/1995	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	04065/1/1994 OJ C 101 09.04.1994, p. 0065	07/02/1994	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1988)0496 OJ C 010 13.01.1989, p. 0003	21/10/1988	Summary
Modified legislative proposal	COM(1992)0589 OJ C 044 16.02.1993, p. 0036	16/12/1992	Summary
Reconsultation	COM(1993)0570	10/11/1993	
Commission communication on Council's position	SEC(1994)0275	22/02/1994	
Commission opinion on Parliament's position at 2nd reading	COM(1994)0245	09/06/1994	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0550/1989 OJ C 159 26.06.1989, p. 0010	26/04/1989	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3606/1995	23/01/1995	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Protection of biotechnological inventions

1988/0159(COD) - 02/12/1993

In its first reading under the codecision procedure, the European Parliament confirmed its vote of 29 October 1992.

Protection of biotechnological inventions

1988/0159(COD) - 01/03/1995 - Text adopted by Parliament, 3rd reading

For the first time within the framework of the codecision procedure, Parliament rejected (by 240 votes to 188, with 23 abstentions) the joint EP/Council draft directive on the legal protection of biotechnological inventions.

Protection of biotechnological inventions

1988/0159(COD) - 21/10/1988 - Legislative proposal

Protection of biotechnological inventions

1988/0159(COD) - 16/12/1992 - Modified legislative proposal

The amended proposal took account of Parliament's debates and amendments, which sought to supplement the provisions on public policy and morality, to give more precise guidance to national patent offices and courts in determining what was or was not patentable: certain practices were deemed to be not patentable (the human body or parts of the human body as such, processes for modifying the genetic identity of the human body which had a non-therapeutic purpose and which were contrary to the dignity of man, processes for modifying the genetic identity of animals which were likely to cause them suffering or physical handicaps without any substantial benefit to man or animal). The amendment establishing the farmer's privilege was also incorporated.

Protection of biotechnological inventions

1988/0159(COD) - 08/04/1992 - Text adopted by Parliament, partial vote at 1st reading/single reading

Protection of biotechnological inventions

1988/0159(COD) - 09/06/1994 - Commission opinion on Parliament's position at 2nd reading

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.

Protection of biotechnological inventions

1988/0159(COD) - 29/10/1992 - Text adopted by Parliament, 1st reading/single reading

Since a compromise had been reached between the EP and the Commission, the EP approved the Commission's proposal subject to the amendments that it had made. The compromise amendment on the farmer's privilege provided that the farmers may use seeds gathered or any other reproducible plant material on their own farm. The EP also reserved the right to request the opening of the conciliation procedure in the event that the Council intended to depart from the text that it had approved.

Protection of biotechnological inventions

1988/0159(COD) - 05/05/1994 - Text adopted by Parliament, 2nd reading

The EP adopted three amendments concerning the evaluation of inventions, the ethical and moral aspects in examining inventions and the non-patentability of the human body.