





Basic information	
2007/0161(CNS) CNS - Consultation procedure Regulation	Procedure completed
Community plant variety rights: entitlement to file an application Amending Regulation (EC) No 2100/94 1990/1021(CNS) Subject 3.10.06 Crop products in general, floriculture 3.50.16 Industrial property, European patent, Community patent, design and pattern	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	 Agriculture and Rural Development		PARISH Neil (PPE-DE)	12/09/2007
Council of the European Union	Council configuration		Meetings	Date
	Environment		2842	2007-12-20
European Commission	Commission DG		Commissioner	
	Agriculture and Rural Development		KYPRIANOU Markos	

Key events			
Date	Event	Reference	Summary
25/07/2007	Legislative proposal published	COM(2007)0445 	Summary
24/09/2007	Committee referral announced in Parliament		
09/10/2007	Vote in committee		Summary
10/10/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0373/2007	
23/10/2007	Decision by Parliament	T6-0438/2007	Summary
23/10/2007	Results of vote in Parliament		
20/12/2007	Act adopted by Council after consultation of Parliament		
20/12/2007	End of procedure in Parliament		
11/01/2008	Final act published in Official Journal		

Technical information	
Procedure reference	2007/0161(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 2100/94 1990/1021(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 308
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/6/52278

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE394.143	21/09/2007	
Committee report tabled for plenary, 1st reading/single reading		A6-0373/2007	10/10/2007	
Text adopted by Parliament, 1st reading/single reading		T6-0438/2007	23/10/2007	Summary
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2007)0445 	25/07/2007	Summary	

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act
Regulation 2008/0015 OJ L 008 11.01.2008, p. 0002 Summary

Community plant variety rights: entitlement to file an application

PURPOSE: to simplify the conditions for entitlement to file an application for Community plant variety rights (CPVR).

LEGISLATIVE ACT: Council Regulation (EC) No 15/2008 amending Regulation (EC) No 2100/94 as regards the entitlement to file an application for a Community plant variety right.

CONTENT: Council Regulation (EC) No 2100/94, establishing a Community protection regime for plant varieties, creates a Community regime for plant varieties, which allows for the granting of Community plant variety rights (CPVR), valid throughout the Community.

In the interests of facilitating trade and aligning the provisions of the Regulation with the rest of Community law, this amendment of Regulation (EC) No 2100/94 simplifies the conditions for entitlement to file an application for Community plant variety rights (CPVR) and introduces one application system for all applicants.

ENTRY INTO FORCE: 31/01/2008.

Community plant variety rights: entitlement to file an application

2007/0161(CNS) - 23/10/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Neil **PARISH** (EPP-ED, UK) and approved the proposal for a Council regulation amending Regulation (EC) No 2100/94 as regards the entitlement to file an application for a Community plant variety right.

Community plant variety rights: entitlement to file an application

2007/0161(CNS) - 25/07/2007 - Legislative proposal

PURPOSE: to amend Regulation (EC) No 2100/94 as regards the entitlement to file an application for a Community plant variety right.

PROPOSED ACT: Council Regulation.

CONTENT: Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights creates a Community regime for plant varieties, which allows for the grant of Community plant variety rights (CPVR), valid throughout the Community.

In the interests of the facilitation of trade it is appropriate to make the CPVR easily accessible. Therefore, the conditions for entitlement to file an application for the CPVR should be simplified and one application system for all applicants should be introduced.

More specifically, Article 12 of the Community Regulation (EC) No 2100/94 on plant variety rights sets out the conditions for the entitlement to file an application for a Community plant variety right. According to this provision, only breeders from countries which are members of the International Union for the Protection of New Varieties of Plants (UPOV) are entitled to apply for a Community plant variety right (CPVR) under the same rules as for applicants from a Member State. For other applicants, the Commission has to decide whether they are entitled to file an application. According to Article 12(1)(b) of the Regulation, such a decision may be subject to reciprocal and equivalent requirements. The provision stipulates that the Commission's decision may depend on whether the country in question,

- affords protection for varieties of the same botanical taxon,
- affords this protection to nationals of all Member States,
- and whether the level of protection afforded corresponds to the protection provided by Regulation (EC) 2100/94.

Regulation (EC) 2100/94 should therefore be amended accordingly. Deleting the provisions of Article 12(1)(a) and 12(1)(b) will contribute to the simplification of Community legislation.

The proposal has no new financial implications for the Community budget.