Basic information

2015/2981(RSP) RSP - Resolutions on topical subjects	Procedure completed
Resolution on patents and plant breeders' rights **Subject** 3.10.09.06 Agro-genetics, GMOs 3.50.16 Industrial property, European patent, Community patent, design and pattern	

Key players

European Commission	**Commission DG**	**Commissioner**
	Agriculture and Rural Development	HOGAN Phil

Key events

Date	Event	Reference	Summary
17/12/2015	Decision by Parliament	T8-0473/2015	Summary
17/12/2015	Results of vote in Parliament		
17/12/2015	Debate in Parliament		
17/12/2015	End of procedure in Parliament		

Technical information

Procedure reference	2015/2981(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Debate or resolution on oral question/interpellation
Legal basis	Rules of Procedure EP 142-p5
Stage reached in procedure	Procedure completed

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Motion for a resolution		B8-1394/2015	14/12/2015	
Motion for a resolution		B8-1395/2015	14/12/2015	
Motion for a resolution		B8-1399/2015	14/12/2015	

Motion for a resolution		B8-1400/2015	14/12/2015	
Text adopted by Parliament, single reading		T8-0473/2015	17/12/2015	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2016)190	03/05/2016	

Resolution on patents and plant breeders' rights

2015/2981(RSP) - 17/12/2015 - Text adopted by Parliament, single reading

The European Parliament adopted by 413 votes to 86, with 28 abstentions, a resolution on patents and plant breeders' rights.

The text adopted in plenary was tabled by the EPP, S&D, ECR and ALDE groups.

Parliament recalled that Directive 98/44/EC on the legal protection of biotechnological inventions, in particular Article 4 thereof, states that products obtained from essentially biological processes shall not be patentable. Whilst Directive 98/44/EC legislates for biotechnological inventions, Members considered that it was not the legislator's intention to allow the patentability of products obtained from essentially biological processes within the scope of the directive.

In the light of these considerations, Members expressed their concern that **the recent decision of the Enlarged Board of Appeal of the European Patent Office (EPO) on Cases G2/12 (tomatoes) and G2/13 (broccoli)** could lead to more patents being granted by the EPO in respect of natural traits introduced into new varieties by means of essentially biological processes such as crossing and selection.

As numerous applications concerning products obtained from essentially biological processes are currently awaiting a decision by the European Patent Office, Parliament called on the Commission, **as a matter of urgency, to clarify the scope and interpretation of Directive 98/44/EC**, and in particular Article 4, in order to ensure legal clarity regarding the prohibition of the patentability of products obtained from essentially biological processes, and to clarify that breeding with biological material falling under the scope of a patent is permitted.

The Commission is called upon to:

- communicate its forthcoming clarification regarding the patentability of products obtained from essentially biological processes to the EPO so that it can be used as a supplementary means of interpretation;
- ensure that the Union will safeguard guaranteed access to, and use of, material obtained from essentially biological processes for plant breeding, in order – where applicable – not to interfere with practices guaranteeing breeders' exemption;
- pursue the exclusion from patentability of essentially biological processes in the context of multilateral patent law harmonisation discussions;
- report on the development and implications of patent law in the field of biotechnology and genetic engineering, as requested by Parliament in its resolution of 10 May 2012 on the patenting of essential biological processes.