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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Counsellors/Attachés (Agri - Genetic Resources and Innovation in Agriculture)
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Subject:	Regulation on new genomic techniques (NGT) - Room document on a study on the impact of patenting

Based on comments expressed by delegations at the meeting of the Counsellors/Attachés (Agri - Genetic Resources and Innovation in Agriculture) on 4 December 2023, the Presidency consulted bilaterally interested delegations, and further adjusted the wording of the new Article 30 bis regarding the study on the impact of patenting and related licensing and transparency practices and introduced a corresponding Recital 46a.

Delegations will find in annex the compromise reached following the Attachés meeting and those bilateral consultations.

Room document

[...]

(46a) Directive 98/44/EC on the legal protection of biotechnological inventions sets out principles regarding the patentability of biological material including plants. The Commission should assess, as part of a broader market analysis, the impact that the patenting of plants and related licensing and transparency practices may have on innovation in plant breeding, on breeders' access to plant genetic material and techniques and on availability of plant reproductive material to farmers as well as the overall competitiveness of the EU plant breeding industry. It is important to ensure that farmers and breeders have access to techniques and material to promote the diversity of plant reproductive material, such as seeds, at affordable prices, while also strongly supporting innovation in both conventional and organic plant breeding by preserving investment incentives.

[...]

Article 30 bis

Study on the impact of patenting practices

The Commission shall conduct a study on the impact that the patenting of plants and related licensing and transparency practices may have on innovation in plant breeding, on breeders' access to plant genetic material and techniques and on availability of plant reproductive material to farmers as well as the overall competitiveness of the EU plant breeding industry.

The Commission shall report on its findings not later than 31 December 2025 and, in view of the outcomes of the study, the Commission shall inform on measures to follow-up or, if appropriate, submit a proposal.

[...]