

EP Resolution on Patents and Plant Breeders Rights

Dear Member of the European Parliament,

On Thursday 17 December you will debate and vote on a Resolution concerning patents on seeds and breeder's rights. As representative of both organic farmers and small and medium organic seed producers, the IFOAM EU Group gives a high importance to that issue. The decision taken by the European Patent Office (EPO) in March 2015 to allow the patenting of traits obtained via essentially biological processes (as long as they do not concern one single variety) is a disaster for them, as it allows a few multinational companies to claim property over the genetic material needed to breed new varieties and to produce farm-saved seeds.

Patents are designed to protect inventions, not naturally occurring traits in plants and animals. Plant varieties are normally protected by plant variety rights, a better suited and more flexible form of intellectual property, that allows breeders to use a protected variety to create a new one. In contrast, patents block the circulation of genetic resources, hinder research and lead to monopolization. This resolution asking the European Commission to produce a legal interpretation of "Directive EC 44/98 on the patentability of biotechnological inventions" recalls the clear will of the legislators not to allow the patenting of "native traits", which has not been respected by the EPO, and it is therefore critical for the European organic food and farming sector.

Nonetheless, in its current writing, the resolution is not sufficient as it only protects the right of the seed industry but not the right of farmers to breed new varieties. Farmers are historically, and still today in the world, the first seed breeders. It is essential for food security, for biodiversity and for adaptation to climate change, that farmers keep the right to breed their own seeds, adapted to their local conditions. **The IFOAM EU Group therefore urges you to support a comprehensive breeders exemption**, and not the limited breeders exemption currently proposed in the resolution (in point 4), as this limited exemption cannot apply to farmers.

It is also important to protect both farmers and seed producers from patents on seeds obtained with new biotechnologies whose products are indistinguishable from products obtained through essentially biological processes. That is why the resolution should also call for a ban on the patenting of genetic material that could be obtained through essentially biological processes. Moreover, the formulation of point 1 of the resolution is misleading: native traits are not "introduced" in the plant. As the whole point of the resolution is to differentiate engineered plants from plants obtained through essentially biological processes, this formulation needs to be changed.

Finally, we consider that the current resolution should refer to the resolution adopted by the European Parliament in 2012, which has still not been implemented, and which refer to farmers' rights.

The organic food and farming sector urges you to support and to modify this resolution so that it supports a comprehensive breeders exemption, that also applies to farmers who play a crucial role in seed breeding, and so that it re-affirms that essentially biological processes and naturally occurring traits cannot be patented, whatever the method used to obtain these traits.

Yours sincerely,
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