



Council of the
European Union

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Plant breeders' rights
- Information from the Presidency

Delegations will find in Annex a note from the Presidency on the above mentioned subject to be dealt with under "Any other business" at the meeting of the Council ("Agriculture and Fisheries") on 12-13 December 2016.

Plant breeders' rights

The issue of plant breeders' rights in connection to the patentability of products derived from essentially biological processes has been discussed in the Council at several occasions since 2015 and at the last occasion at Agriculture and Fisheries Council on 27 and 28 June 2016, when the Commission representative confirmed the Commission's intention to issue a notice to clarify Directive 98/44/EC as regards plant breeding and patent protection.

The Presidency would like to inform that the Commission Notice on certain articles of Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions, has been published in the Official Journal (OJ C 411, 8.11.2016, p. 3).

The notice was also presented by the Commission at the meeting of the Competitiveness Council of 28-29 November as an "any other business" item.

The Competitiveness Council took note on this important information and Member States that took floor expressed their appreciation of the Commission initiative. They consider the Commission Notice as a very important tool for ensuring food security.

As a reaction to the Commission's notice, the Council conclusions on patents and plant breeders' rights are being prepared under the Competitiveness Council – first draft of the Conclusions has been discussed at the meeting of Working Party on Intellectual Property on 6 December 2016. The Conclusions will be finalised during the Maltese Presidency.