



EUROPEAN COMMISSION

HEALTH AND CONSUMERS DIRECTORATE-GENERAL

## **SUMMARY REPORT OF THE MEETING OF THE EXPERT GROUP ON PLANT REPRODUCTIVE MATERIAL LEGISLATION - WORKING GROUP ON "PLANT VARIETY RIGHTS" held on 26 November 2013**

Chairperson: Ms I. Clement-Nissou

Experts from the following Member States were present: Ireland, Croatia, and Netherlands.  
2 Experts from CPVO were also present.

### **1. Preparation of the EU Notification to UPOV on harvested material**

The small experts' group prepared the draft proposals for EU notifications to UPOV frequently asked questions. It was agreed that the suggestions to the FAQ will be finalised through Email exchange with the other EU experts and then sent by the COM to UPOV.

*List of frequently asked questions provided by UPOV:*

- *Who can attend UPOV meetings?*
- *Why do farmers and growers need new plant varieties?*
- *Why is plant variety protection necessary?*
- *How does plant variety protection work?*
  - *...Why does UPOV require varieties to be uniform and stable?*
  - *...doesn't that lead to a loss of diversity?*
- *What is the relationship between the UPOV Convention and international treaties concerning genetic resources, e.g. the Convention on Biological Diversity and the International Treaty on Plant Genetic Resources for Food and Agriculture?*
- *What is the relationship between patents and plant breeders' rights?*
- *"Biopiracy": can I protect an existing plant or variety that I discover?*
- *Can a farmer replant seed of a protected variety without the authorization of the breeder (farmer's privilege)?*
- *Can a farmer sell seed of a protected variety without the authorization of the breeder?*
- *Does UPOV allow biochemical or molecular data in the DUS examination?*

### **2. Preparation of the EU suggestion on frequently asked question**

- Document UPOV/EXN/HRV Draft 10: Explanatory notes on acts in respect of harvested material under the 1991 act of the UPOV convention

- Document CAJ-AG/13/8/3: Explanatory notes on acts in respect of harvested material

A discussion took place. The experts group prepared some proposals. Nevertheless it was recognised that there was a need to further discuss them with the other EU experts in order to finalise the submission.

A document will be prepared by the COM and circularised to the MS. A new meeting will be organised in order to finalise it.

**3. Miscellaneous.**

No items raised.