



EUROPEAN COMMISSION

HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Summary Report of the meeting of the Expert group on legislation of seed and plant propagating material – Working Group on “PLANT VARIETY RIGHTS” held on 4 February 2014

Chairperson: Ms I. Clement-Nissou

Experts from the following Member States were present: Belgium, Bulgaria, Croatia, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Netherlands, Poland, Portugal, Slovenia, Spain, and United Kingdom.

1 Expert from CPVO was also present.

1. Finalisation of the EU Notification to UPOV on harvested material (propositions from the small experts group attached)

- 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

At its meeting on 4 February 2014, the large experts' group finalised the EU notification on harvested material. The COM will prepare the notification accordingly. Three main observations were developed:

* The figures shall indicate more clearly that the export of material takes place without the authorization of the right holder;

* Some examples are very similar and therefore can be merged;

* A case law of the Court of Justice of the EU (C-140/10), states that the infringement of an intellectual property right is also linked to non-contractual responsibility (Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II)).

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2. Feedback from our answer to UPOV on FAQ

Concerning the EU answer on the FAQs, the COM explained the return from UPOV office. Some informal discussions took place with the UPOV Office and Norway (which was the other one to provide written comments to UPOV) in order to develop some joint answers. On many points NO supported the EU drafting proposals.

3. Technical cooperation and technical assistance (EU notification to WTO attached)

The COM informed the MS that a new questionnaire will be issued with regard to technical cooperation on plant variety protection with third countries, in order to prepare the notification to WTO/TRIPS council (September 2014).

4. Commission proposal for a regulation on the implementation of the Nagoya protocol – State of play

The COM presented a short state of play on the COM proposal for a Regulation on the implementation of the Nagoya protocol.

5. ITPGRFA – feedback from Oman (relevant resolution) and possible joint activities in relation to PGRFA and plant variety protection

Finally the COM presented some resolutions adopted by the last governing body of the Treaty on the following points and their interrelations with UPOV issues:

- (i) implementation of the multilateral system of access and benefit-sharing,
- (ii) implementation of article 9, farmers' rights,
- (iii) implementation of the funding strategy of the international treaty. A short discussion took place.

6. Miscellaneous

No other points raised.