

# Procedure file

Basic information		
CNS - Consultation procedure Regulation	<a href="#">2003/0161(CNS)</a>	Procedure completed
Community plant variety rights: compulsory licencing Amending Regulation (EC) No 2100/94 <a href="#">1990/1021(CNS)</a>		
Subject 3.10.06 Crop products in general, floriculture 3.50.15 Intellectual property, copyright		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AGRI</b> Agriculture and Rural Development		25/11/2003
		PPE-DE <a href="#">DAUL Joseph</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs and Internal Market		01/12/2003
		PSE <a href="#">MEDINA ORTEGA Manuel</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2579</a>	29/04/2004
European Commission	Commission DG <a href="#">Health and Food Safety</a>	Commissioner	

Key events			
11/11/2003	Legislative proposal published	<a href="#">COM(2003)0456</a>	Summary
03/12/2003	Committee referral announced in Parliament		
16/12/2003	Vote in committee		Summary
16/12/2003	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0482/2003</a>	
13/01/2004	Decision by Parliament	<a href="#">T5-0001/2004</a>	Summary
29/04/2004	Act adopted by Council after consultation of Parliament		
29/04/2004	End of procedure in Parliament		
30/04/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2003/0161(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 2100/94 <a href="#">1990/1021(CNS)</a>
Legal basis	Rules of Procedure EP 52-p1; EC Treaty (after Amsterdam) EC 308
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/5/20348

Documentation gateway					
Legislative proposal		<a href="#">COM(2003)0456</a>	11/11/2003	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0482/2003</a>	16/12/2003	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0001/2004</a> OJ C 092 16.04.2004, p. 0017-0066 E	13/01/2004	EP	Summary

Additional information	
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Regulation 2004/873</a> <a href="#">OJ L 162 30.04.2004, p. 0038-0039</a> Summary

## Community plant variety rights: compulsory licencing

PURPOSE : to amend Regulation 2100/94/EC on Community plant variety rights. PROPOSED ACT : Council Regulation. CONTENT : article 29 of Regulation 2100/94/EC on Community Plant Variety Rights is inconsistent with Article 12 of the Biotechnology Patents Directive 98/44/EC on the legal protection of biotechnological inventions. The proposed amendment to Regulation 2100/94/EC will resolve this inconsistency. It will provide coherence of the system of compulsory cross-licencing provided for by Regulation 2100/94/EC on Community plant variety rights and Directive 98/44/EC on biotechnological inventions. To enable the exploitation of a patented biotechnological invention, the Community Plant Variety Office can grant to the patent holder a compulsory licence for the use of a protected plant variety containing his invention. Applicants for the compulsory licences must demonstrate that; - they have applied unsuccessfully to the holder of the plant variety right to obtain a contractual licence; and - the biotechnological invention constitutes a significant technical progress of considerable economic interest compared with the protected plant variety. The holder of the patent can be granted a cross-licence to exploit the plant variety containing his biotechnological invention, if the holder of a plant variety right has been granted a compulsory licence for the use of this patented invention under Directive 98/44/EC. The proposal has no new financial implications for the Community budget.?

## Community plant variety rights: compulsory licencing

The committee adopted the report by its chairman, Joseph DAUL (EPP-ED, F) approving the proposal without amendment under the consultation procedure.?

## Community plant variety rights: compulsory licencing

The European Parliament adopted a resolution drafted by Joseph DAUL (EPP-ED, France) approving the proposal.?

## Community plant variety rights: compulsory licencing

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PURPOSE : to amend the rules on compulsory licences with regard to plant variety rights. LEGISLATIVE ACT : Council Regulation 873/2004/EC amending Regulation 2100/94/EC on Community plant variety rights. CONTENT : Council Regulation 2100/94/EC creates a Community regime for plant varieties, co-existing with national regimes, which allows for the grant of industrial property rights, valid throughout the Community (Community plant variety rights). The Community Plant Variety Office (the Office) carries out the implementation and application of this regime. Only the Office is entitled to grant a compulsory licence for a plant variety which is protected by a Community plant variety right. and content as the current term "compulsory exploitation right". The Community's legal framework for the protection of biotechnological inventions, established in Directive 98/44/EC lays down in Article 12 rules for the grant of non-exclusive compulsory licences where protected plant varieties, including Community plant varieties, incorporate patented inventions, and vice versa. Article 29 of Regulation 2100/94/EC, while providing in general for the grant of compulsory licences for Community plant varieties on grounds of public interest, does not expressly refer to the licences to be provided in accordance with Article 12 of Directive 98/44/EC. Considering the need to ensure transparency and coherence of the system of compulsory cross-licensing this Regulation amends the rules established by Regulation 2100/94/EC, making express reference and setting out the specific conditions relating to compulsory licences provided for in Directive 98/44/EC. Considering the national scope of the protection for biotechnological inventions according to Directive 98/44/EC the Regulation ensures that the national patent holder be granted a cross-licence for a plant variety right only in the Member State(s) where he/she can claim a patent for a biotechnological invention. ENTRY INTO FORCE : 20/05/04.?