









Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2021/0019(COD) Procedure completed
Community plant variety rights: extension of the term for the species asparagus and the species groups flower bulbs, woody small fruits and woody ornamentals	
Subject 3.10.06 Crop products in general, floriculture 3.50.16 Industrial property, European patent, Community patent, design and pattern	

Key players			
European Parliament	Committee responsible  Agriculture and Rural Development	Rapporteur  RUISSEN Bert-Jan Shadow rapporteur  SCHREIJER-PIERIK Annie  OLEKAS Juozas  HUITEMA Jan  HÄUSLING Martin  BIZZOTTO Mara	Appointed 26/02/2021
	Committee for opinion  Legal Affairs	Rapporteur for opinion The committee decided not to give an opinion.	Appointed
Council of the European Union European Commission	Commission DG Health and Food Safety	Commissioner KYRIAKIDES Stella	

Key events			
03/02/2021	Legislative proposal published	COM(2021)0036	Summary
11/02/2021	Committee referral announced in Parliament, 1st reading		

21/05/2021	Vote in committee, 1st reading		
26/05/2021	Committee report tabled for plenary, 1st reading	A9-0171/2021	Summary
15/06/2021	Committee decision to open interinstitutional negotiations with report adopted in committee		
23/06/2021	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
25/06/2021	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
01/09/2021	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
14/09/2021	Decision by Parliament, 1st reading	T9-0363/2021	Summary
07/10/2021	Act adopted by Council after Parliament's 1st reading		
20/10/2021	Final act signed		
26/10/2021	Final act published in Official Journal		

Technical information

Procedure reference	2021/0019(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 118-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/9/05265

Documentation gateway

Legislative proposal	COM(2021)0036	03/02/2021	EC	Summary
Committee draft report	PE691.080	19/04/2021	EP	
Amendments tabled in committee	PE692.603	28/04/2021	EP	
Committee report tabled for plenary, 1st reading/single reading	A9-0171/2021	26/05/2021	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T9-0363/2021	14/09/2021	EP	Summary
Draft final act	00050/2021/LEX	20/10/2021	CSL	

Final act

[Regulation 2021/1873](#)
[OJ L 378 26.10.2021, p. 0001](#)

Community plant variety rights: extension of the term for the species asparagus and the species groups flower bulbs, woody small fruits and woody ornamentals

PURPOSE: to extend the term of Community plant variety rights for the species asparagus and the species groups flower bulbs, woody small fruits and woody ornamentals by five years.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Community Plant Variety Office (CPVO) and the Commission have carried out an analysis to determine whether there are, for the species of asparagus as well as for species groups of flower bulbs, woody small fruits and woody ornamentals, technical difficulties in breeding which require expenditure on research activities over a long period of time, if the multiplication of propagating material takes time, if the new varieties have a commercial value only in the long term and if the return on investment of the research activities is only possible at a fairly late stage of protection compared to other horticultural or agricultural crops.

The analysis carried out shows that, for the species concerned, the term of protection should be extended by five years in order to establish a legal environment conducive to an equitable remuneration of research and breeding activities.

CONTENT: the proposal for a regulation aims to extend the term of Community plant variety rights from 25 to 30 years for species of asparagus as well as for species groups flower bulbs, woody small fruits and woody ornamental crops. To this end, the proposed Regulation extends the term of protection for the species concerned by five years. This extension would apply to protection granted before, on or after 1 July 2021.

It is also proposed to reduce the duration of the extension if national property rights for these varieties have been effective in a Member State prior to the grant of a Community plant variety right and, accordingly, would already have allowed breeders to exploit their varieties.

Community plant variety rights: extension of the term for the species asparagus and the species groups flower bulbs, woody small fruits and woody ornamentals

The Committee on Agriculture and Rural Development adopted the report by Bert-Jan RUISSSEN (ECR, NL) on the proposal for a regulation of the European Parliament and of the Council on the extension of the term of Community plant variety rights for the species asparagus and the species groups flower bulbs, woody small fruits and woody ornamentals.

The committee recommended that Parliament adopt its position at first reading taking over the Commission's proposal.

The proposal aims to extend the term of protection of Community plant variety rights from 25 to 30 years for the species asparagus, and the species groups flower bulbs, woody small fruits and woody ornamentals, as provided for in Article 19 of Council Regulation (EC) No 2100/94 on Community plant variety rights. The additional five years of protection already exists in the case of vines, trees and potatoes, reflecting the lengthy, complex and costly development process.

In May 2016, after analysing the time needed to obtain, breeding and reaching marketing potential, as well as the life span of the plants compared to other species, the Member States of the Administrative Council of the Community Plant Variety Office (CPVO) unanimously requested that the duration of protection of the species covered by this proposal be extended.

During the consultation which was carried out to obtain feedback, 43 stakeholders presented their views on the proposal. They all welcomed the proposal and underlined the need for the extended protection in order to ensure the development of more robust varieties meeting growers and societal demands.

In the explanatory memorandum accompanying the report, the rapporteur stresses the importance of establishing a well-functioning system of plant variety protection that encourages the continued development of new varieties for the benefit of breeders, growers, farmers, consumers and society as a whole.

Given the challenges and the ambitious targets set by the European Green Deal, there will be an urgent need for more robust, disease-resistant and productive varieties that require less water, pesticides and fertilisers, are better adapted to different climatic conditions and help prevent losses in the field and along the chain.

In its resolutions of 2012, 2015 and 2019, Parliament has strongly opposed the patentability of plants and consistently stressed that the Community plant variety rights system is the appropriate protection framework to ensure the continued development of plant breeding.

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The European Parliament adopted by 641 votes to 38, with 8 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the extension of the term of Community plant variety rights for the species asparagus and the species groups flower bulbs, woody small fruits and woody ornamentals.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Extension of the duration of Community plant variety rights

The proposed Regulation aims to extend the duration of the Community plant variety right under [Regulation \(EC\) No 2100/94](#) for varieties of

the species *Asparagus officinalis* L. as well as the species groups of flowering bulbs, small fruited woody plants and ornamental woody plants for a further five years. This extension will apply to protection granted before, on or after the date of entry into force of the Regulation.

The amended text underlines that the introduction and market uptake of a new variety of the species *Asparagus officinalis* L. as well as of the species groups of flowering bulbs, small fruited woody plants and ornamental woody plants requires more time for the new variety to become profitable than for other species.

Reduction of the extension

It is also proposed to reduce the duration of the extension for plant varieties for which one or more national plant variety rights have been granted prior to the grant of a Community plant variety right, but to which Article 116(4), fourth indent, of Regulation (EC) No 2100/94 does not apply.