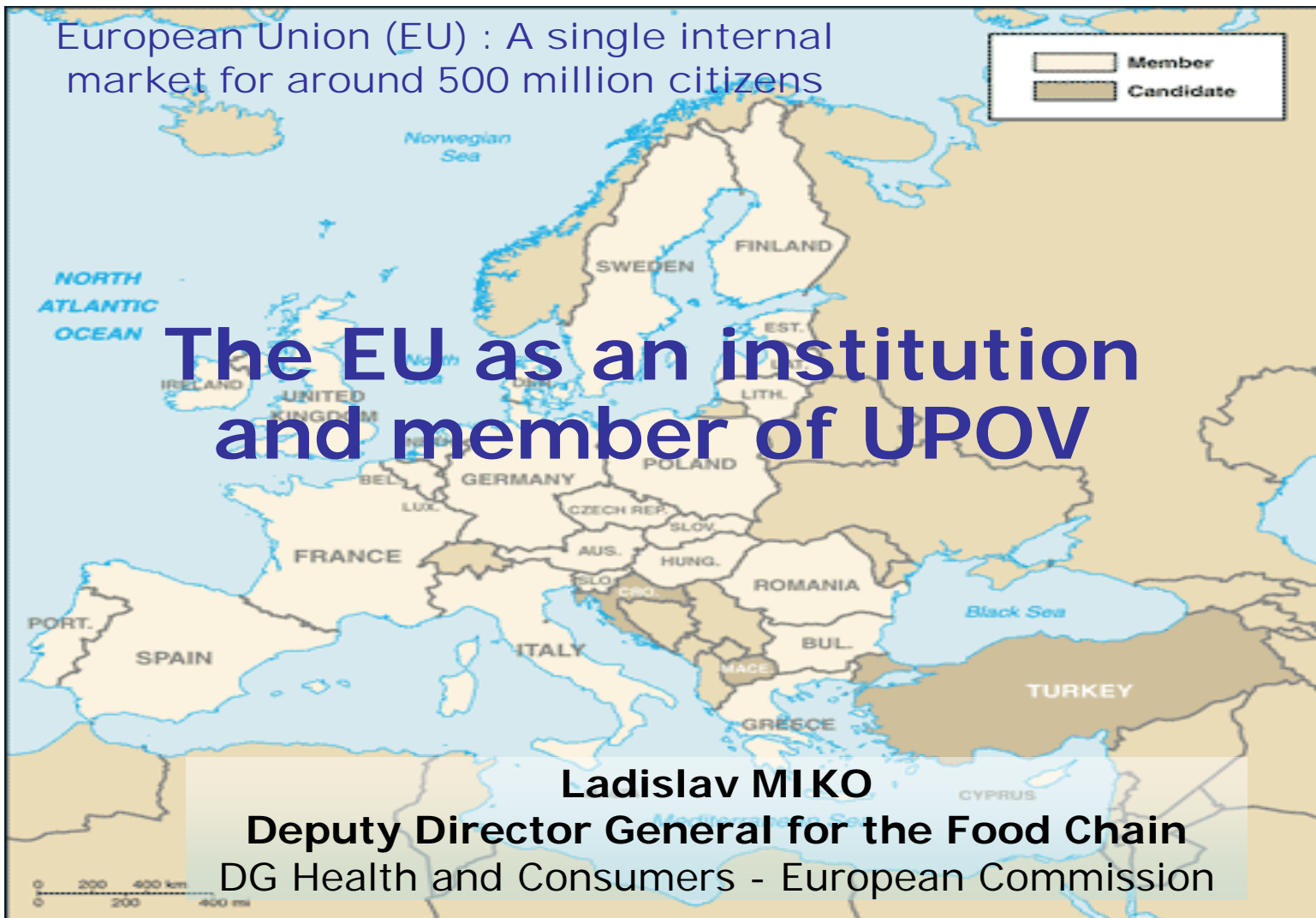


European Union (EU) : A single internal market for around 500 million citizens

The EU as an institution and member of UPOV



Ladislav MIKO

Deputy Director General for the Food Chain
DG Health and Consumers - European Commission

1. Organization of the European Union (EU)
2. Role of the Commission
3. UPOV Diplomatic Conference 1991 : decision that regional/international organizations could become UPOV members
(EU became Member of UPOV in 2005)
4. EU legislation on community plant variety rights (CPVR)
5. Role of Commission, Member States and CPVO in the UPOV work
6. Future of the EU system taking into account the UPOV Convention.

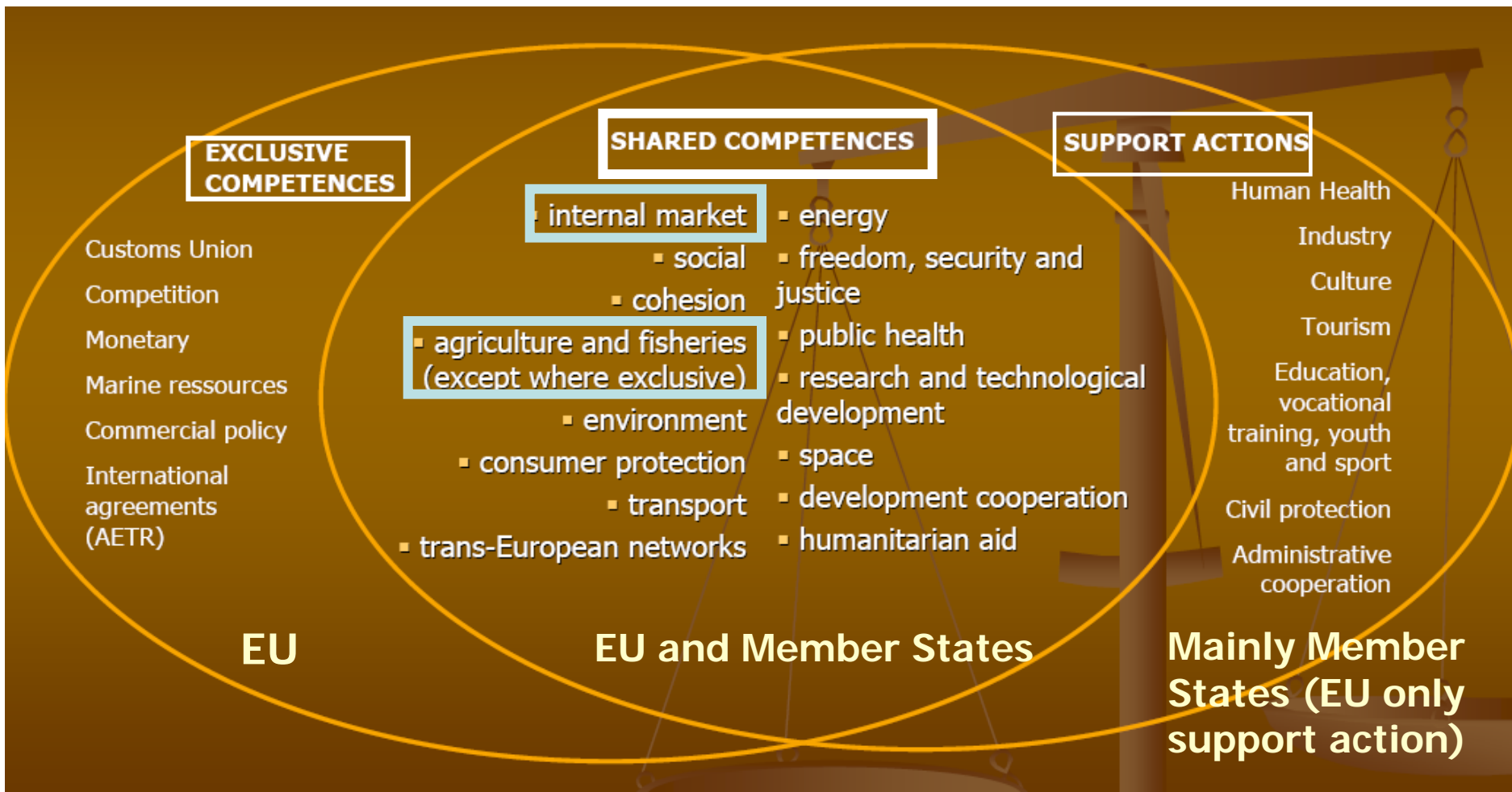


1. ORGANISATION OF THE EU

- **European Union (EU) (since 1993):**
political and economical union of 27 Member States.

- **Main EU institutions after Lisbon Treaty (1/12/2009) :**
 - **European Parliament:** 751 seats from all 27 MS
 - **European Council:** **27 Heads of State** or Government
+ President of the Commission
+ 1 permanent **President of the European Council** (mandate of 2 and ½ years)
 - **Council:** ministers from the national governments of all the EU countries + Presidency (rotation system)
 - **EU Commission:** drafting proposals for new EC legislation, manages the implementation of EU policies and EU funds.
 - **European Court of Justice**

The policies: *Who does what after new EU Lisbon Treaty ?*



2. Directorate General for Health and Consumer

- **Aims to improve quality of life in the EU**

- **Commissioner: John Dalli**

- **Director General: P. Testori Coggi**

- **2 main areas:**

- Consumers and Health: M. Seychell
- Food chain: L. Miko

- Safety in the food chain
- Food and Veterinary Office (FVO)
- Veterinary and international affairs

- **Agencies:**

- **European Food safety Authority (EFSA):** provides independent scientific advice on food safety
- **Community Plant variety office (CPVO):** supports innovation by protecting new plant varieties throughout the EU



3. UPOV Diplomatic Conference 1991

- Decision that intergovernmental organisations could become UPOV members if it:
 - **Has competence in respect to protection of new variety of plants**
 - **Has its own legislation for granting and protecting plant breeders' rights**
 - **Has been authorised to accede to UPOV**
 - **Specific voting rules**

- EU became Member of UPOV in July 2005

- Pave the way for other such as:
 - OAPI (Organisation africaine de la propriété intellectuelle)
 - ARIPO (African regional intellectual property organisation)

4. European Union legislation

- **Basic regulation: Council Regulation (EC) N°2100/94 on community plant variety rights**
 - **Applicable throughout the territory of 27 Member States:** uniform, harmonised intellectual property protection for new plant varieties coexisting with 23 national systems
The applicant's choice: Community or national rights
 - **In line with UPOV 1991 Act**
 - **Incentive for breeders to invest in research and develop new plant varieties**
 - **Balance between breeders', growers' and consumers' interest**
 - **Duration of protection 25 years for plant varieties and 30 years for vine and tree species**
- **The system is run by the Community Plant variety office (CPVO), an agency of the EU**

5. Role of EU Commission, Member States and CPVO in the UPOV work

■ **Members:**

- **Technical working groups:** share knowledge and experience
- **Technical committee (TC)**
- **Administrative and legal committee (CAJ)**
- **Consultative committee (CC)**
- **Council**

■ **MoU signed in 2004, October 21st between CPVO and UPOV**

- **Development and maintenance of a web-based UPOV Plant Variety Database (UPOV database)**
- **CPVO Centralized Database of Variety Denominations (CPVO database)**

■ **Cooperation agreements between EU MS, CPVO with foreign countries**

6. Future of the EU system taking into account the UPOV convention

- **Evaluation of the EU legislation** (Council Regulation (EC) N°2100/94) by an independent consulting agency

- **3 main questions:**

- Targets reached or not: harmonisation, incitation to innovation, simplification of administrative burden
- Strengths and weaknesses of CPVR
- Future challenges

- **Evaluation report available in May 2011**

http://ec.europa.eu/food/plant/propertyrights/docs/cpvr_evaluation_final_report.pdf

- **Conference in Brussels on 11 October 2011**
 - Presentation of the results of the evaluation
 - Consultation of stakeholders on the recommendations
- **Preparation of an action plan** for the review of the Community legislation, beginning of 2012



Thank you for your attention

More information:

http://ec.europa.eu/food/plant/propertyrights/index_en.htm