

Ms. Lowri Evans
Director-General
DG GROW
European Commission
Avenue d'Auderghem 45
BE-1040 Brussels

Mr. Jerzy Bogdan Plewa
Director-General
DG AGRI
European Commission
Rue de la Loi 130
BE-1049 Brussels

Mr. Xavier Prats Monné
Director-General
DG SANTE
European Commission
Rue Breydel 4
BE-1040 Brussels



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OPEN LETTER

Dear Director-Generals of DG GROW, AGRI and SANTE,

With this letter [ECVC](#)* wants to alert you, as European authorities, on the dangers of patents on plants and animals. Despite its recent decision to exclude plants and animals obtained by traditional breeding from patentability (essentially biological processes), the European Patent Office (EPO) continues to grant patents whose copyright extends to these very plants and animals. Even if these patents are not granted on entire organisms (varieties, plants, breeds or animals) that are no longer patentable, but only on some of their hereditary traits**, the patents extend to any plant or animal that contains such genetic information and conveys its function (tolerance to a herbicide, resistance to disease, meat quality, etc.).

Contrary to traditional breeding methods, the new GMO techniques (called new breeding techniques, NBTs, by biotech corporations) are all patentable, as are the plants and animals derived from them. If these techniques are not regulated as GMOs, patents will keep on being granted based on the descriptions of the "invented" trait, which are indistinguishable from "native" traits. Consequently, their protection extends to all seeds and farm animals derived from traditional breeding that contain genetic information similar to that patented and which expresses its function.

ECVC asks that the EC be able to clarify, once and for all, that [Directive 98/44/EC on the legal protection of biotechnological inventions](#) be interpreted on the basis of the intentions of the legislators at the time

of the adoption of this law (in 1998), so that it can prohibit any patent whose protection may extend to native seeds and plants derived from essentially biological processes.

Today, patents have not yet invaded European fields. But if the Commission does not act responsibly, the future of European farmers will roll out in courts and tribunals rather than in agricultural fields. Moreover, a farmer's right to seed as recognized in the International Treaty on Plant Genetic Resources for Food and Agriculture will be undermined and the seed market pushed to even greater concentration.

ECVC calls on you, and other relevant EU authorities, to prohibit patents on organisms that cannot be distinguished from traditional seeds or livestock, to apply GMO regulations to all new GMOs and to acknowledge the inalienable essence of a farmer's right to save, use, exchange, sell and protect their farm-saved seeds from biopiracy.

Yours sincerely,

Antonio Onorati – ECVC Coordinating Committee: antonio.onorati48@gmail.com

Ramona Duminicioiu – ECVC Coordinating Committee: ramona@ecoruralis.ro

* The European Coordination Via Campesina is a European grassroots organization which currently gathers 27 national and regional farmers, farm workers and rural organizations based in 17 European countries. Rooted on the right to Food Sovereignty, our main objective is the defence of farmers' and field workers' rights as well as the promotion of diverse and sustainable family and peasant farming.

** Also known as genetic information