



> Return address P.O. Box 20401 2500 EK The Hague, The Netherlands

Attn. President António Campinos
European Patent Office
Central Procurement
Bob-van-Bentham-Platz 1
80469 Munich
Germany

**Directorate-General
Business & Innovation**
Directorate
Innovation and Knowledge

Visiting address
Bezuidenhoutseweg 73
2594 AC The Hague
The Netherlands

Postal address
P.O. Box 20401
2500 EK The Hague
The Netherlands

Government ID number
00000001003214369000

T 070 379 8911 (general)
F 070 378 6100 (general)
www.government.nl

Date 27 February 2025
Re Enquiry regarding the patentability of NGT plants

Dear Mr Campinos,

Our reference
DGBI-I&K / 97201778

Your reference
ZK-0000094323

I am writing to you concerning the debate on the Regulation of plants obtained by certain new genomic techniques and food and feed containing, consisting of or produced from such plants.

As you will no doubt be aware, the European Parliament has adopted various amendments, in relation to the draft regulation, pertaining to the patentability of such techniques and products obtained by means of those techniques.

Reference can be made in particular to Amendment 33, which proposes the inclusion in the new regulation of an article stating:

*"Article 4a - exclusion from patentability
NGT plants, plant material, parts thereof, genetic information and the
process features they contain shall not be patentable."*

Reference can also be made to Amendment 69, which proposes that Article 4 of Directive 98/44/EC on the legal protection of biotechnological inventions be amended as follows:

*"(a) In paragraph 1, the following points are added:
'(c) NGT plants, plant material, parts thereof, genetic information and
process features they contain, as defined in Regulation (EU) .../... [O.J.:
please insert the number of this Regulation];
(d) plants, plant material, parts thereof, genetic information and process
features they contain that can be yielded by techniques excluded from the
scope of Directive 2001/18/EC as listed in Annex I B to that directive.'
(b) the following paragraph 4 is added:
'4. Paragraphs 2 and 3 shall be without prejudice to the exclusion from
patentability covered in paragraph 1.'"*

The present matter has also been debated in the Dutch parliament. A motion was passed by the Dutch parliament calling on the Dutch government to take steps to

encourage the European Patent Office to interpret the new regulation in such a way that neither conventionally introduced characteristics nor characteristics introduced using genetic technology can be patented.

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With this letter, I would like to ask you whether you see any possibility, within the scope of the regulations applicable to the European Patent Office, to cease granting patents for plant traits.

I am sending a copy of this letter to the Dutch parliament. I would be grateful if you could indicate in your reply whether or not you object to this reply also being forwarded to the Dutch parliament.

I look forward to your response, for which I thank you in advance.

Yours sincerely, 



Dirk Beijaarts
Minister of Economic Affairs