



Re: Patentability of plants and animals (G03/19)

Dear Members of the Enlarged Board of Appeal

The two questions raised by the President of the European Patent Office (EPO) should be answered with YES for the following reasons:

Democratically legitimized political control of the correct interpretation of European patent law should not be undermined by EPO decision-making. In this case, the power of the Administrative Council, based on the support of all 38 contracting states, cannot simply be overruled by decisions taken by a technical body at the EPO.

Consequently, the European Patent Office has to make sure that all processes used in conventional breeding and all plants and animals derived thereof are not subject to any patent claims.

Genetic engineering enables direct technical interventions in the genome. This is profoundly different from conventional breeding which starts from and works with a high level of genetic diversity, using all kinds of variations and mutations through further crossing and selection.

Genetic diversity as used in conventional breeding may be derived from native traits, existing plant varieties or from induced random mutations. If patents are granted on processes of genetic engineering, such patents clearly have to be restricted to technical and targeted processes. Access to genetic material as well as plants and animals derived from conventional breeding should not be hampered by patents.

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With kind regards,

Aktion Agrar – Landwende jetzt e.V.	Katholische Landvolk Bewegung Freiburg
Arbeitsgemeinschaft bäuerliche Landwirtschaft e.V.	Kein Patent auf Leben
Arbeitsgemeinschaft der Umweltbeauftragten der Gliedkirchen der Evangelischen Kirche in Deutschland	Københavns Fødevarerfællesskab
ARCHE NOAH	Landbauschule Dottenfelderhof e.V. – Forschung/Züchtung
Asociación Vida Sana	NO PATENTS ON SEEDS!
BioForum Vlaanderen	OpenSourceSeeds – AGRECOL
Bioverband Erde & Saat	Österreichische Berg- und Kleinbäuer_innen Vereinigung – Via Campesina Austria
BUND Naturschutz in Bayern e.V.	Oxfam
Bundesverband Naturkost Naturwaren(BNN) e.V.	Peliti – Alternative Community
Compassion in World Farming	Pesticide Action Network UK
Coalition against BAYER-Dangers	Plataforma Transgénicos Fora
COPA-COGECA	ProSpecieRara
Corporate Europe Observatory	Public Eye
Die Freien Bäcker – Zeit für Verantwortung e.V.	Saat:gut e.V.
European Consortium for Organic plant breeding	Sambucus e.V.
FIAN Germany e.V.	Sativa Rheinau AG
FOUR PAWS International	Save our Seeds (SOS)
Frøsamlerne – Danish Seed Savers	Sinergia Animal
Fundacji AgriNatura – Foundation AgriNatura for Agricultural Biodiversity	Slow Food Europe
GAIA – Grupo de Acção e Intervenção Ambiental	Spółeczny Instytut Ekologiczny / Social Ecological Institute
Gen-ethical Network	SWISSAID
IFOAM EU	Umweltinstitut München e.V.
Inštitut za trajnostni razvoj / Institute for Sustainable Development	Verband Katholisches Landvolk e.V.
	WeMove Europe
	Yeryüzü derneği / Earth Association
	Zukunftsstiftung Landwirtschaft