



Stop 'Baysanto' from monopolising seeds!

The takeover of US company Monsanto by Bayer, will allow 'Baysanto' to control around 25 percent of the international seed markets. The second largest seed giant, the US company DowDuPont has a market share of around 20 percent. The third largest company in this sector is Syngenta, which was bought up by ChemChina, and owns a further approximately 10 percent of the trade in seeds. Consequently, a very small number of large companies are extremely powerful in regard to our daily

food supply; and they will increasingly be in a position to decide which plants will be bred, grown and harvested in future, as well as how much seeds will cost and how our food is produced. This powerful market position is to a large extent based on seed monopolies acquired through a continually increasing number of patents that cover seeds, plants and their harvest.

We, the signatory organisations, are calling upon European politicians and governments to stop the European Patent Office from promoting the sell-out of resources needed for our daily food, and effectively limit the monopolisation of seeds needed for conventional breeding and food production. Even though European patent law prohibits patents on plant varieties and “essentially biological” methods for breeding, the EPO continues to grant patents on plants, seeds and breeding material used for and derived from conventional breeding. Further, patents granted on genetically engineered plants are not restricted to a specific process, but cover all plants with the characteristics as described in the patent.

Despite the fact that in 2017 the EPO Administrative Council adopted new rules for the interpretation of European patent law, the underlying problem has not been resolved. These new rules only apply to a limited number of patents; they will not prevent the EPO from granting further patents on conventional breeding in future. Therefore, we are demanding further effective changes in European patent law. **Most importantly, no more plants and animals should be patented as 'products'. Living beings are not an invention of industry.** Three crucial areas need changing to make current prohibitions of patents on plant and animal varieties and “essentially biological” methods for breeding effective:

1. Definition of “essentially biological processes”

It has to be clarified that the term “essentially biological processes” covers all conventional breeding processes, including random mutagenesis, as well as all individual steps in the process, such as selection and / or propagation.

2. Definition of 'products' used or derived from breeding

It has to be clarified that all “products” used in or emanating from “essentially biological processes” are captured by the exclusion from patentability, including all plant/animal parts, cells and genetic information.

3. Limiting the scope of protection

In the context of plant and animal breeding, the EPO must not grant “absolute product protection” which enables a patent on a plant or animal derived from a technical process to be extended to all conventionally bred plants with the same traits.

Signatory institutions:

Arbeitsgemeinschaft bäuerliche Landwirtschaft (AbL), Arche Noah, Bäuerliche Erzeugergemeinschaft Schwäbisch Hall, Bundesverband Deutscher Milchviehhalter (BDM), BUND Naturschutz in Bayern, Bund Ökologische Lebensmittelwirtschaft (BÖLW), Corporate Europe Observatory (CEO), Danish Seed Savers (Frøsamlerne), Die Freien Bäcker, FIAN, GAIA-Environmental Action and Intervention Group, Gää, Vereinigung ökologischer Landbau, Gen-ethisches Netzwerk (GeN), Gesellschaft für ökologische Forschung (GOEF), Getreidezüchtung Peter Kunz (GZPK), IG Nachbau, IG Saatgut, Katholische Landvolkbewegung Deutschland (KLB), Kein Patent auf Leben!, No Patents on Seeds!, Kultursaat, KLB Freiburg, Praktisk Økologi, ProSpecieRara, Public Eye, Sativa Rheinau AG, Swissaid, Slow Food, Slow Food Deutschland, Slow Food Sjælland (Denmark), Save our Seeds (SOS), Plataforma Transgénicos Fora, Umweltinstitut München, Verband Katholisches Landvolk, Verein zur Erhaltung der Nutzpflanzenvielfalt (VEN), WeMove, Zivilcourage Miesbach, Zukunftsstiftung Landwirtschaft (ZSL).