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**PRESS RELEASE**

**AFBV proposals to facilitate identification, access and**

**useof Intellectual Property related to NGTs**

Ongoing work at EU level on the draft regulation of plants derived from New Genomic Techniques (NGT) has revived the debate on the patentability of biotechnological inventions. At the time of publication of its draft NGT regulation on 5 July 2023, the European Commission had indicated its intention to start a study to address stakeholder concerns.

This led Association Française des Biotechnologies Végétales to carry out an analysis of intellectual property (IP) in the field of plant breeding in relation to the introduction of NGT-derived varieties.

During this analysis, AFBV identified a few practical proposals that could be put in place within a reasonable timeframe and contribute to the balanced framework desired by the Commission.

These proposalscover the following areas:

* **Improve transparency byrequiring publication of patents covering a variety** and facilitating the search and tracking of plant-related IP in databases.
* **Promote the creation of a new European platform to make genome editing technologies available to all breeders** on reasonable terms.
* **Encourage participation in the ILPV and ACLP licensing platforms and incite the creation of new platforms for species not currently covered** to facilitate access to patent licenses in ways under acceptable terms and conditions.
* **Encourage the introduction of the breeder's exemption for patents in EU Member States that have not yet adopted it and adapt or interpret existing legislation** to clarify that this exemption covers all stages from research to pre-commercialisation, including variety registration and pre-launch seed production.
* When the breeder of a variety cannot commercially exploit it because it is dependent on a patent or another variety, **amendexisting legislation or clarify the criteria to be met for the dependent variety to be commercialized.**
* **Clarify the operability of the farmer's privilege when a variety is covered by several patents and study its possible extension** to new species.

AFBV's detailed proposals can be found on its website: <https://www.biotechnologies-vegetales.com/blog/reglementation/>

**Press contact: Gil Kressmann**

**gil.kressmann@wanadoo.fr**