Veille citoyenne d'information sur les OGM et les semences

German MEPs from the EPP raise concerns over patents

Par Denis MESHAKA

Publié le 19/05/2026

As the European Parliament’s plenary vote on the deregulation of GMOs produced by new genetic modification techniques (GMOs/NGTs) approaches, the issue of patents remains a key point of contention. Against this backdrop, the German delegation of the European People’s Party (EPP) has called on the European Commission. It is asking the Commission to show willingness to review Directive 98/44 on "*biotechnological inventions*" to ensure free access to genetic resources and prevent them from being controlled by major seed companies.



gorfor

In a letter[i] addressed to Stéphane Séjourné, Vice-President of the European Commission and responsible for patent matters, members of the main national delegation of the European Parliament's largest political group, the European People's Party (EPP), which supports the deregulation of GMOs/NGTs, express serious concerns regarding patents, at odds with their group's position. Could this influence the conservative party's vote on the future NTG regulation in Parliament? Only time will tell.

A (modest) show of pressure on the eve of the vote

In this official request, 11 German MEPs (from the CDU and CSU[ii]) out of the 31 in the EPP are asking the European Commission to *"provide a clear political signal ahead of the plenary vote that it is prepared to review and, where necessary, adapt Directive 98/44/EC[iii] in a timely manner in order to ensure that genetic traits which can also occur naturally or be obtained through conventional breeding are not subject to patent protection*".

In this letter, these German conservative MEPs highlight, echoing the numerous positions taken on the subject, the consequences of patents on products derived from NGTs – GMOs/NGTs – on the "*functioning of the European plant breeding sector*". In fact, small and medium-sized seed companies, as well as farmers and smallholders, are most severely affected. For these MEPs, the Commission must therefore, ahead of the plenary vote in Parliament next May, provide reassurances on these issues. Failing that, the MEPs would appear to be sending the message that a rejection of the compromise text, as adopted on 21 April by the Council[iv] and by the European Commission on 25 April, could be justified.

Protecting the conventional and small-scale breeding sector…

A large part of the European plant breeding sector, particularly in Germany, uses plant breed breeders' rights systems (PBR) rather than patents, which they consider unsuitable for this type of innovation[v]. A patent covers genetic modifications to a plant, not varieties. However, its scope extends to all plants and varieties exhibiting the patented genetic trait, even those that contain it naturally or through non-patentable natural selection. It prevents a breeder from selecting and marketing a new variety expressing this trait, unless the patent holder consents (granting of a licence).

This is not the case for commercial varieties covered by a plant breeders' right, which allows a breeder to select a new variety using a variety covered by a PBR. Patents on certain genetic traits also restrict farmers' freedom to use, on their own farms, seeds from their own harvest, including when these traits are present in varieties not covered by a plant breeders' right. Conversely, the PBR regime maintains, for some thirty agricultural species, a right to use farm-saved seed, even when such seed contains a patented trait.

For the MEPs who authored the letter to Stéphane Séjourné, ensuring that the commercial exploitation of a plant containing a patented trait but obtained exclusively through conventional breeding is not prevented requires limiting the scope of patents to products obtained by a patentable technical process. They believe that an amendment to Directive 98/44 "*on biotechnological inventions*" proposed by the Parliament in February 2024 would grant this "*immunity*" to breeders and farmers from potential patents that could cover, in particular, farmers' seeds and traditional varieties.

…to the detriment of German multinationals?

Agro-industrial multinationals (such as Bayer, BASF, KWS, Limagrain/Vilmorin…) defend the central role of patents, which they regard as essential to securing a return on their investment in research and development, including to appropriate "*native traits*" *that* are nevertheless present in nature[vi].

At the same time, a significant part of the German plant breeding sector relies primarily, if not exclusively, on the COV, which is considered more compatible with the circulation of genetic "*material*" and breeding activities. As stated in 2024 by the BDP (Bundesverband Deutscher Pflanzenzüchter), representing German seed producers, "*free access to genetic resources is fundamental to the process of plant breeding. Biological material that also occurs or could occur in nature shall not be patentable, irrespective of the way in which it has been developed. Breeders are calling for this principle to become legally binding as soon as possible*". It should be noted that Bayer, BASF and KWS are all members of the BDP[vii]. This approach is also reflected in the positions of the Deutscher Bauernverband (DBV), Germany's main agricultural union, representing seed users and breeders. It also warns against the effects of patents on access to genetic resources and on farmers' ability to use their seeds[viii].

A likely futile intervention

This letter from German MEPs of the EPP once again highlights the problems caused by patents regarding access to genetic resources and freedom of selection. But at the same time, it advocates the idea of a European framework conducive to innovation, particularly the exploitation of NGTs. It does indeed highlight, albeit in a purely affirmative manner and without providing evidence, their "*significant potential to contribute to more resilient agricultural systems, to strengthen innovation in plant breeding and to support farmers in addressing climate related challenges*".

Although this request to the Commission comes late in the debate, it nevertheless highlights the diversity of views among MEPs within the political groups. With just a few days to go before the plenary vote in the European Parliament, this information is significant. Indeed, there are fears that MEPs may be forced to vote in line with their group's position rather than their own convictions, or to be absent on the day of the vote, which would effectively amount to a vote in favour of the NGT regulation, without any amendments. For its part, the Commission might respond by agreeing to "*look into the matter*", or some other non-binding formula, but this might not be enough to reassure German MEPs from the EPP or other parliamentarians concerned about the issue of patents, nor even to postpone the vote.

In 2024, the EPP had supported the European Parliament's position on the proposed deregulation of GMOs/NGTs. Several MEPs from its German delegation had already expressed reservations about the impact of patents on breeders and access to genetic resources. The number of MEPs speaking out today *via* this letter is certainly a minority (11 out of the EPP's 185 elected members), but their letter has the merit of publicly stating their position, whilst we wait to see whether it can influence the rest of the group and other MEPs sufficiently to make the vote in the European Parliament decisive…

i Joint letter, "Patent framework for New Genomic Techniques and the need for a clear political signal on Directive 98/44/EC", 8 April 2026.

ii The CDU (Christian Democratic Union) is active throughout Germany, except in Bavaria. The CSU (Christian Social Union) is active only in Bavaria. In the European Parliament, CDU and CSU MEPs sit together within the EPP Group. There are 30 of them in total in the current parliamentary term.

[iii] European Union, "DIRECTIVE 98/44/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 July 1998 on the legal protection of biotechnological inventions", *Official Journal of the European Union*, L 213/13, 30 July 1998.

[iv] Germany abstained from this vote.

[v] Following the example of the DBV, Germany's main agricultural union:
Denis Meshaka, "Patents and NGTs: the singular position of Germany's main agricultural union", *Inf'OGM*, 6 February 2026.

[vi] KWS, "KWS agricultural trait catalogue for licensing agreements".

[vii] Denis Meshaka, "The dilemma faced by certain seed companies in relation to intellectual property rights", *Inf'OGM*, 6 December 2023.

[viii] Denis Meshaka, "Patents and NGTs: the singular position of Germany's main agricultural union" , *Inf'OGM*, 6 February 2026.

Adresse de cet article : https://infogm.org/en/german-meps-from-the-epp-raise-concerns-over-patents/