SUMMARY MINUTES

9th meeting of the

Expert Group on the Development and Implications of Patent Law in the Field of Biotechnology and Genetic Engineering

Brussels, 5 February 2015

1. Opening of the meeting

The Chair welcomed the Members of the Group and introduced and welcomed Ms Marian Suelmann, who will represent the European Seed Association as a temporary replacement of Ms Szonja Csörgő in the Group. The Commission’s services confirmed that the feasibility of the temporary replacement had been examined and did not raise any concern.

2. Adoption of the agenda for the 9th meeting and of the summary minutes of the 8th meeting

The Chair invited the Members to express their comments on the draft agenda. The Commission proposed to add on the agenda a short informative point on the written account of the hearing of Professor Peter Andrews that took place on 16 September 2014. The Chair proposed himself the addition to the agenda of an exchange of views on the possibility of an additional meeting of the Group at ‘sub-group’ level only. The addition of both points was agreed by the Members, together with the final agenda.

The Commission informed the Group that the Secretariat had now finalized a draft of the summary account of the presentation given by Professor Peter Andrews on 16 September 2014. The members of the Group, who have been consulted in writing, were invited to provide their final comments to this draft. The Secretariat collected these comments. The Secretariat also informed the Group that the draft would now be sent to Professor Andrews for validation of the accuracy of the account.

The Chair proposed to the Group to convene one additional meeting dedicated only to sub-group discussions. The respective meetings of the ‘stem cell’ and ‘plant’ sub-groups would be organised separately, in order to maximise both the availability of the Members of each sub-group and the time available for sub-group discussion. These targeted additional meetings would permit to finalise the draft reports before they would be discussed in the plenary session. No objection was raised and the proposal was therefore agreed.

The Chair subsequently invited the Members to comment the draft summary minutes of the 8th meeting. No comment was made and the summary minutes were approved.

One Member inquired about the organization of the work at plenary level. This was followed by a short discussion.

Operational conclusions:

The draft agenda for the 9th meeting was agreed.
The draft summary minutes of the 8th meeting were adopted.

The Commission will update the summary account of the presentation of Professor Peter Andrews and send it to him for validation. The final, validated document will be circulated.

The Commission will determine the most appropriate dates for the next sub-groups’ meetings.

As for the organization of work at the plenary level, the Commission will consider all possible arrangements and will revert to the group.

3. Deliberations of the sub-groups

The Group temporarily broke out in two parallel sessions of the sub-groups on, respectively, the patentability of human stem cells and the patentability of plant-related issues. The respective Rapporteurs submitted the revised draft reports including their preliminary conclusions on all issues – already discussed or remaining to be discussed. The respective sub-groups, chaired by the 'stem cells' Rapporteur Ms Clara Sattler de Sousa e Brito and the 'plant' Rapporteur Mr Hannes Iserentant, focussed on the proposed content and conclusions of the respective draft reports. The Members contributed actively to the discussion. They reached preliminary conclusions on a number of points and identified some issues requiring further substantive discussion.

Operational conclusions:

The Commission will prepare an account summarising the sub-group discussions and transmit it to the relevant Rapporteurs, who will in turn prepare a 'Memorandum of discussion' to be circulated.

4. Plenary session of the Group - discussion of the sub-group outcomes

The outcome of each of the sub-groups was presented by the corresponding Rapporteur at the resumption of the plenary session of the Group. The Chair subsequently opened the floor for comments. Priority was given to the Members not having participated in the discussions at sub-group level. A number of relevant and constructive comments were made, leading to a fruitful debate allowing to further elaboration of the relevant scope of the future thematic discussions.

Operational conclusions:

The Groups agreed to continue the substantive discussions in the sub-groups dedicated to the patentability of human stem cells and to plant-related patentability issues. It was agreed that the revised draft of report should be submitted by 2 March as regards the 'stem cell' sub-group and 6 March as regards the 'plant' sub-group. The members of respective sub-groups will have the opportunity to provide comments within two weeks, which will be compiled by the Secretariat. The compiled documents will be circulated before the respective meetings in due time. The comments made will be the subject of further discussion within the sub-groups at the next meetings scheduled for March/April, where the discussions are to be pursued only at sub-group level.

The Commission will also explore the possibility to invite an EPO expert to provide specific expertise in the context of the discussion in the ‘stem cell’ sub-group.

5. AOB

No point discussed.
Annex 1: List of participants

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<td>BOSTYN Sven (Mr)</td>
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<td>FARQUHARSON Andrew (Mr)</td>
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<td>ISERENTANT Hannes (Mr)</td>
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<td>KAMPERMAN SANDERS Anselm (Mr)</td>
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<td>KNUTH-LEHTOLA Sisko (Ms)</td>
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<td>PEREIRA Gautier (Mr)</td>
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<td>PUIGDOMENECH Pere (Mr)</td>
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<td>SATTLER DE SOUSA E BRITO Clara (Ms)</td>
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<td>SCHNEIDER Ingrid (Ms)</td>
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<td>SUELMANN Marian (Ms)</td>
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<td>TAORMINO Joseph (Mr)</td>
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<td>THEN Christoph (Mr)</td>
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<td>WURTZ LINDUM Peter (Mr)</td>
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<td>YEATS Siobhán (Ms)</td>
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<td>ARBAULT François - EC</td>
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<td>GAL Jean-Luc - EC</td>
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<td>ZAMYKALOVA Lucie – EC</td>
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