

Position

Brussels, March 2026

Duration of Plant Breeder's Rights

The current legislation provides for a protection term of 25 years, and 30 years for vine and tree species, potatoes, asparagus, flower bulbs, woody small fruits and woody ornamentals, with the possibility for the Council, acting by qualified majority on a Commission proposal, to extend these terms by up to five years for specific genera or species.

Recent legislative discussions, which resulted in an extension of protection for certain species, have highlighted the limited flexibility of the current procedure in adapting to evolving breeding realities. In this context, the Council proposed to amend Article 19 to empower the Commission to decide on such extensions through delegated acts.

Euroseeds supports this proposal and believes that granting the Commission delegated powers would enhance the adaptability of the CPVR system, allowing, when needed, to respond more efficiently to technical, economic and crop-specific requirements. This approach would also align Article 19 of Regulation (EC) No. 2100/94, with the post-Lisbon institutional framework and reduce the need for repeated legislative amendments, while preserving democratic oversight under Article 290 TFEU¹.

Euroseeds also believes that any delegation should remain clearly defined and that (limited to extensions of up to five years for specific genera or species), decision-making should be based on transparent and objective criteria, in order to maintain legal certainty.

¹ More in detail, this refers to aligning the CPVR Regulation with the post-Lisbon Treaty framework by allowing the Commission to adopt delegated acts under Article 290 TFEU for non-essential, technical adjustments, subject to control by the European Parliament and the Council

In conclusion, Euroseeds advocates for amending Article 19 to allow extensions of protection through Commission delegated acts which would strengthen the effectiveness, coherence, and future-proofing of the CPVR system.