



**CPVO**

Community Plant Variety Office

---

# Farm Saved Seeds

Francesco Mattina, President of the CPVO

*IPKey SEA Support to Accession of SEA Countries to UPOV 1991, 18.1.2022*



# Outline

- Legal Framework
- Scope
- Conditions
- Remuneration



# FSS - legal framework

Regulation (EC) 2100/94  
Basic Regulation (« BR »)

Regulation (EC) 1768/95  
Implementing Rules on  
the Agricultural Exemption  
(« IRAE »)

Article 14



# Scope of Community Plant Variety Rights (CPVRs)

Art. 13(2) BR

The authorization of the holder is required in respect of the following acts



Production or reproduction



Conditioning for the purpose of propagation



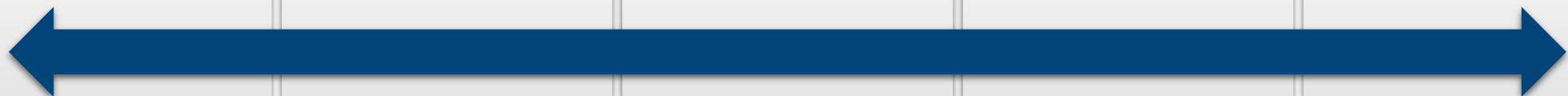
Offering for sale, selling or other marketing



Exporting from/Importing to the European Union



Stocking for any of the above mentioned purposes





# Exceptions to CPVRs

- The limitations of the effects of CPVRS as listed in Art. 15 BR:
  - Acts done privately for **non-commercial purposes**
  - Acts done for **experimental purposes**
  - Acts done for the purpose of **breeding, or discovering and developing new varieties** (the breeder's exemption)
- The **agricultural exemption** (Farm-saved seed or FSS) (Art. 14 BR)

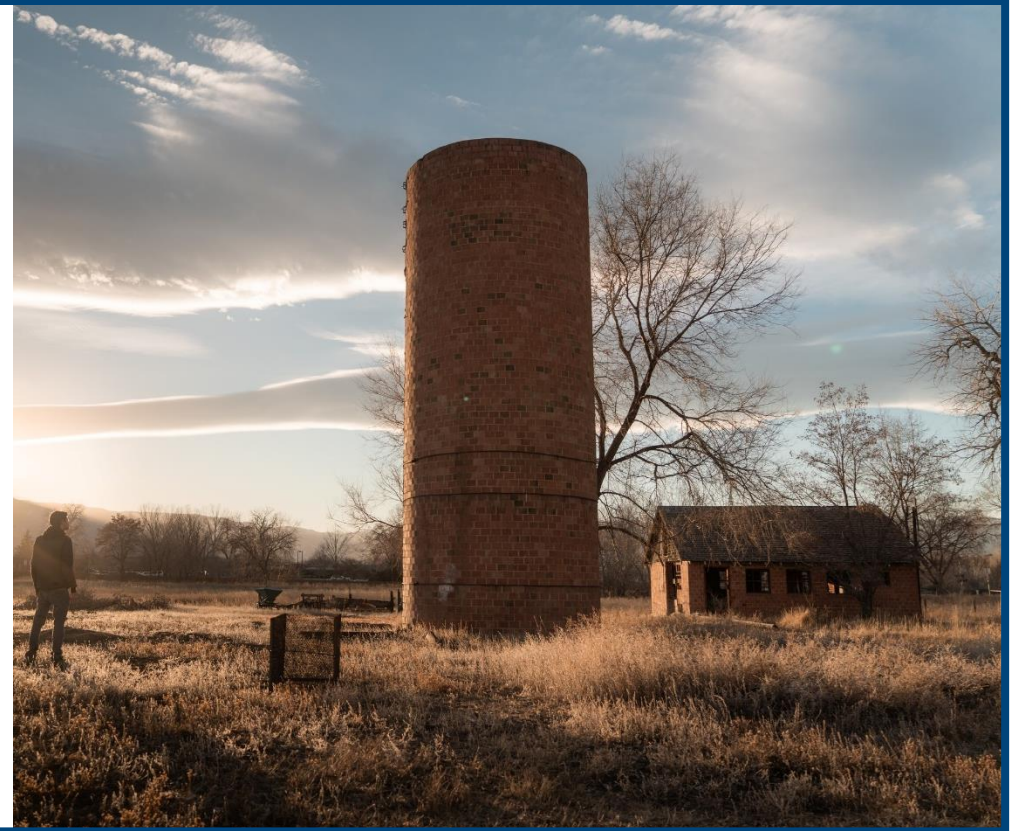


# FSS - Scope

Art. 14(1) BR

Farmers are **authorized to use** for

- propagating purposes in the field, **on their own holding**
- the **product of the harvest**
- obtained by planting, on their own holding, propagating material of a variety **protected by a CPVR**





# FSS - Scope

Only “on their own holding” (Art. 14(1) BR)

Only “other than a hybrid or synthetic” varieties (Art. 14(1) BR)

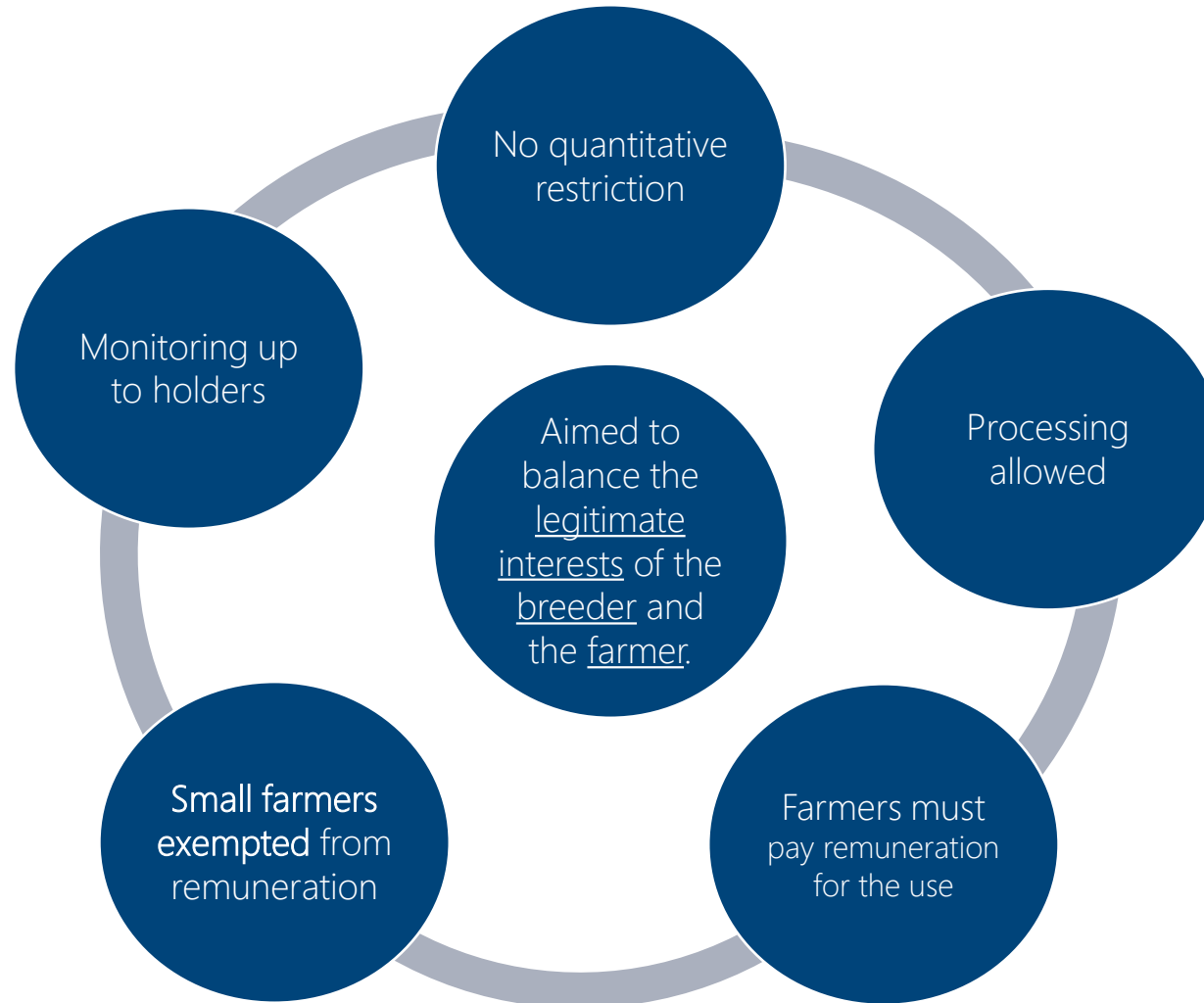
Exception limited to some agricultural species:

- Fodder plants
- Cereals
- Potatoes
- Oil and fibre plants

(Full list in Art. 14(2) BR)



# Conditions (Art. 14(3) BR)







## Conditions (Art. 14(3) BR)

Farmers, suppliers of processing services, as well as official bodies should provide to the holder relevant information that include:

- Location of the farmer's holding
- Amount of harvested material used for the purposes of the exception
- Suppliers of processing services (if any)



# Remuneration (Art. 5 IRAE)

Farmers shall pay:

- An equitable remuneration
- sensibly lower than the amount charged for the licensed production of propagating material:
  - of the lowest category qualified for official certification,
  - of the same variety in the same area





# Remuneration (Art. 5 IRAE)



The fee may be determined in a contract between:

- Individual farmers and holders
- A contract between organizations of farmers and holders can be used as a guideline if published in the CPVO Gazette.



If no contract:

50 % of the amounts charged for the licensed production of propagating material:

- of the lowest category qualified for official certification,
- of the same variety
- in the same area.





# Remuneration

## Small Farmers are exempted

- Specific requirements to be qualified as small farmers
- Duty of information
- In case of disputes burden of proof on the farmer





# CPVO

Community Plant Variety Office

Community Plant Variety Office

3 Boulevard Maréchal Foch

49000 ANGERS – FR

Contacts

Tel: (+33) (0) 2-41.25.64.00

[communication@cpvo.europa.eu](mailto:communication@cpvo.europa.eu)

Join us on...



@CPVOTweets

**LinkedIn**

**YouTube**

...and subscribe to our  
[Digital Newsletter](#)

