

## **Central Controlling and Testing Institute in Agriculture**

Katarina Benovska

EU Legislation Department, Senior Counselor

Slovakia

---

### **Agricultural Biotechnology and Plant Variety Rights Protection**

Biotechnology in agriculture represents breeding of new biological materials such as plant varieties and animal breeds with a new genetic features and morphological characteristics which are important for increasing of agricultural production and its requested higher quality.

Plant variety is defined as a set of plants within a common lowest botanical taxon which, may be

- defined by expression of characteristics arising from the given genotype or combination of genotypes;
- distinguished from any other set of plants by expression of at least one of the said characteristics
- deemed to be unified owing to its ability to remain unchanged in propagation.

New plant varieties are practical results of more than 130 years tradition of Slovak national breeding. The necessity of protection of breeder`s rights led to creation of national PBR (Plant Breeder`s Rights) Law No. 123/1989 Coll. Laws on the protection of Rights of New Plant Varieties and Animal Breeds as amended. The amendment of mentioned Law has been based on UPOV Convention of 1991 with a necessity of protection of all genera and species of plants.

Present situation in national PBR system:  
practical application of PBRs titles granted by Ministry of Agriculture of the Slovak Republic is without problems however we record significant decrease of numbers of applications for national PBR. Probable reasons are:

- decreasing of breeders subsidies,
- limited capacities of breeding working places,
- membership in EU. Foreign breeders prefer the EU system of PBR granted through CPVO (Community Plant Variety Office).

Advantages of EU system of PBR through CPVO are:

- well operating system of a high quality of technical examinations and administration,
- granting of Titles based on one application, one payment, one decision making process, one decision with validity throughout the whole territory of European Union.

Expected future of PBRs can be in international cooperation and collaboration in technical examinations of plant varieties and practical application of CPVO system in EU. National systems can profit from locally bred varieties that are suitable and adapted to national agro-ecological conditions.