



RESOLUTION ABOUT THE CAPACITY OF REQUESTING INFORMATION FROM THE OFFICIAL ORGANIZATIONS ON THE USE OF CERTAIN PLANT VARIETIES IN ORDER TO APPLY THE AGRICULTURAL EXEMPTION (CASE C-239/18 CJUE)

The CJEU has ruled in its Judgment of October the 7th, 2019 (<http://curia.europa.eu/juris/document/document.jsf?text=&docid=219244&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=551994>), about a request for a preliminary ruling from the *Thüringer Oberlandesgericht* (Higher Regional Court of Thuringia, Germany) about the article 14 of Council Regulation (EC) N° 2100/94 of 27 July 1994 on Community plant variety rights.

This article authorizes farmers, for the purposes of safeguarding agricultural production, to use for propagating purposes in the field, on their own holding the product of the harvest which they have obtained by planting, on their own holding, propagating material of a variety other than a hybrid or synthetic variety, which is covered by a Community plant variety right. The conditions for the application of this exemption are developed in the Commission Regulation (EC) N° 1768/95 of 24 July 1995 implementing rules on the agricultural exemption provided for in Article 14 (3) of Council Regulation (EC) N° 2100/94 on Community plant variety

The preliminary ruling was: Does a right to information from official bodies under Article 11(1) of Regulation N° 1768/95 exist in a situation where a request relates solely to information concerning species of plants, without the request for information also seeking information on a protected variety. On those grounds, the Court (Fifth Chamber) hereby rules:

Article 11(1) of Commission Regulation (EC) N° 1768/95 of 24 July 1995 implementing rules on the agricultural exemption provided for in Article 14(3) of Council Regulation (EC) N° 2100/94 on Community plant variety rights must be interpreted as meaning that it does not provide the possibility for the holder of the Community plant variety right to request information from an official body on the use of material of species, without such a request defining the specific protected variety for which that information is requested.