

## PORTUGAL

Contribution received in reply to UPOV Circular E-24/047 of April 22, 2024

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**Sent:** Wednesday, May 15, 2024 10:01 AM

**To:** mail, Upov <[upov.mail@upov.int](mailto:upov.mail@upov.int)>

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**Subject:** FW: GENTLE REMINDER: Action by May 20, 2024: call for replies to questions by the WG-SHF (UPOV Circular E-24/047)

Dear UPOV Secretariat,

I would like to thank UPOV for having launched this questionnaire. Please find herewith the Portuguese contribution.

- 1. Is your country/intergovernmental organization implementing the exception “acts done privately and for non-commercial purposes”?*

The Portuguese legislation on PBR doesn't foresee this exception. However, the EU legislation on PBR (Council Regulation (EC) No 2100/94 of 27 July 1994) is also applicable in our country in respect of plant varieties protected under this system. This Regulation has special provisions on article 14 (farm saved seed) and article 15. *If so, how is it implemented?* In the case of plant varieties protected by the EU PBR system, it's implemented Council Regulation (EC) No 1768/95 of 24 July 1995 which establishes rules on the agricultural exemption provided for in Article 14(3) of Council Regulation (EC) No 2100/94 on Community plant variety rights.
- 2. Concerning this exception, are there definitions for the following term: “acts done privately and for non-commercial purposes”?* NO
- 3. Please specify legislation/regulation and jurisprudence concerning this exception.* N/A
- 4. Are there any challenges and/or opportunities in implementing this exception in your jurisdiction?* N/A.

Com os melhores cumprimentos,  
Paula Cruz Garcia

Subdiretora Geral  
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