

## SLOVAKIA

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

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**Subject:** RE: **\*\*EXTENSION OF DEADLINE:\*\*** Action by May 31, 2024: call for replies to questions by the WG-SHF (UPOV Circular E-24/047)

Dear Colleagues,

I am sending you following response regarding Smallholder Farmers in relation to private and non-commercial use:

Slovakia is a member of the UPOV and CPVO, and as the official member follows the UPOV Convention and Basic Regulation 2100/1994 for Community Plant Variety Rights to fulfill the requirements and system of PBR and PVR. State and Governmental Institutions, such as the Ministry of Agriculture or UKSUP shall not interfere into the matter of practical application of the protection of the Plant Variety Rights of private breeding entities. The task of the UKSUP is therefore to check whether the registered variety meets the criteria for getting Plant Variety Right. Based on this decision the Ministry of Agriculture of the Slovak Republic makes a positive or negative decision on the matter of granting the Plant Breeder's Rights.

Concerning the UPOV Convention and its Article 15 (1) [Compulsory exceptions] – “The breeder’s right shall not extend to (i) acts done privately and for non-commercial purposes,” we follow the COMMISSION REGULATION (EC) No 1768/95 of 24 July 1995 implementing rules on the agricultural exemption provided for in Article 14 (3) of Council Regulation (EC) No 2100/94 on Community Plant Variety Right.

Yours sincerely

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