

Legal register

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Legal bases of the strand SAMEN-PROV0001 by level, with subject matter, status and the paper that treats them.

International

Instrument	Year	Subject matter	Status	Papers
Convention on Biological Diversity (CBD)	1992	Sovereignty over genetic resources, access and benefit-sharing; basis of the Nagoya Protocol and the Cali Fund.	in force	P03, P18
Nagoya Protocol	2010	Access with prior informed consent and mutually agreed terms; in force since 12.10.2014.	in force	P03
International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)	2001	Multilateral System for the crops listed in Annex I, material transfer agreement, Farmers' Rights (Art. 9); in force since 2004.	in force	P03, P13
International Convention for the Protection of New Varieties of Plants (UPOV Convention), 1991 Act	1991	Plant variety protection with breeders' exemption and optional farmers' privilege.	in force	P10
Kunming-Montreal Global Biodiversity Framework (Decision 15/4)	2022	23 targets for 2030, including 30 percent protection, halving pesticide risk, phasing out harmful incentives.	in force	P18, S01
CBD Decision 16/2 (Cali Fund)	2024	Contributions from large users of digital sequence information: 1 percent of profits or 0.1 percent of revenue as an indicative rate.	in force	P03, P12

European Union

Instrument	Year	Subject matter	Status	Papers
Regulation (EC) No 2100/94 (Community plant variety rights)	1994	Protection for 25 or 30 years, breeders' exemption, farmers' privilege for listed species, small farmers exempt.	in force	P10
Regulation (EC) No 1768/95 (implementing rules on the farmers' privilege)	1995	Details on farm-saved seed, threshold for potatoes 185 t.	in force	P10

Instrument	Year	Subject matter	Status	Papers
Regulation (EU) 2021/1873 (duration of protection)	2021	30-year term of protection additionally for asparagus, flower bulbs, woody small fruits and woody ornamentals.	in force	P10
Directive 98/44/EC (biotechnological inventions)	1998	Patentability of biotechnological inventions; farmers' privilege in patent law (Art. 11).	in force	P10, P17
Directive 2002/55/EC (vegetable seed)	2002	Registration and marketing of vegetable seed, categories and labelling.	in force, to be replaced by the PRM Regulation	P15
Directive 2008/62/EC (conservation varieties, agricultural)	2008	Simplified registration of landraces with quantity and regional limits.	in force, to be replaced	P03, P15
Directive 2009/145/EC (conservation and amateur varieties, vegetables)	2009	Conservation varieties and varieties with no intrinsic value for commercial crop production.	in force, to be replaced	P03, P15
Directive 2010/60/EU (fodder plant conservation mixtures)	2010	Fodder plant mixtures intended for the preservation of the natural environment.	in force, to be replaced	P03
Regulation on plant reproductive material (PRM)	2026	Intended to replace ten marketing directives; exemptions for conservation networks, non-professionals and exchange; applicable 48 months after entry into force.	provisionally agreed 15.06.2026, text with a view to adoption 07.09.2026	P03, P15
Regulation (EU) 2026/1392 (forest reproductive material)	2026	Replaces Directive 1999/105/EC; applies from 17.07.2031.	in force, applies from 2031	P03
Regulation (EU) 2018/848 (organic production)	2018	Obligation to use organic seed, organic heterogeneous material (Art. 3(18), Art. 13).	in force	P15
Delegated Regulation (EU) 2021/1189 (heterogeneous material)	2021	Notification and labelling of organic heterogeneous material.	in force	P15
Regulation (EU) No 511/2014 (Nagoya user compliance)	2014	Due diligence obligation for users of genetic resources, retention for 20 years.	in force	P03, P11
Directive 2001/18/EC (deliberate release of GMOs)	2001	Authorisation of deliberate release and placing on the market.	in force	P16
Regulation (EC) No 1829/2003 (GM food and feed)	2003	Authorisation, labelling threshold 0.9 percent.	in force	P16
Regulation (EC) No 1831/2003 (traceability)	2003	Traceability and labelling of GMOs.	in force	P16
Directive (EU) 2015/412 (opt-out)	2015	National cultivation bans for authorised GMOs.	in force	P16

Instrument	Year	Subject matter	Status	Papers
Regulation (EU) 2026/1388 (new genomic techniques)	2026	Categories 1 and 2, seed labelling, exclusion from organic farming, patent database; applicable from July 2028.	in force since 16.07.2026	P10, P16
Regulation (EU) 2024/1991 (Nature Restoration)	2024	Restoration measures covering at least 20 percent of the Union's land and sea areas by 2030; national plans.	in force	P18, S01
Regulation (EU) 2024/1468 (CAP simplification)	2024	Removes the requirement of 4 percent non-productive arable land.	in force	P18

Austria

Instrument	Year	Subject matter	Status	Papers
Saatgutgesetz 1997 (Seed Act)	1997	Variety registration and seed certification; competent authority is the Federal Office for Food Safety (BAES).	in force	P03, P15
Sortenschutzgesetz 2001 (Plant Variety Protection Act)	2001	National plant variety protection; since 2015 a list of GMO varieties that may not be cultivated in Austria.	in force	P10
Patentgesetz 1970, § 22 Abs. 1a und 1b, § 22a (Patent Act, Section 22(1a) and (1b), Section 22a)	1970	Breeding exemption, no extension to essentially biologically obtained plants, farmers' privilege.	in force	P10, P17
Gentechnik-Anbauverbots-Rahmengesetz, BGBl. I Nr. 93/2015 (Framework Act on GMO Cultivation Bans, Federal Law Gazette I No. 93/2015)	2015	Transposition of the opt-out directive, goal of an Austria free of GMO cultivation.	in force	P16
Saatgut-Gentechnik-Verordnung, BGBl. II Nr. 478/2001 (Seed Genetic Engineering Ordinance, Federal Law Gazette II No. 478/2001)	2001	Seed free of genetic engineering; limit value 0.1 percent.	in force	P16, P15
Gentechnik-Vorsorgegesetze der Länder (provincial genetic engineering precaution acts)		Provincial regulation of GMO cultivation in all federal provinces.	in force	P16
Codex-Richtlinie Gentechnik-freie Produktion (Lebensmittelbuch) (Austrian Food Codex guideline on GMO-free production)	1998	Basis of the label „Ohne Gentechnik hergestellt“ (produced without genetic engineering).	in force	P16
Bundesverfassungsgesetz über die Nachhaltigkeit, BGBl. I Nr. 111/2013 (Federal Constitutional Act on Sustainability, Federal Law Gazette I No. 111/2013)	2013	State objectives of sustainability, animal protection, environmental protection, water and food supply, research; no provision on genetic engineering.	in force	P16, P18
Naturschutzgesetze der Länder (provincial nature conservation acts)		Collection permits, protection of species and habitats, transposition of the Habitats and Birds Directives.	in force	P18