

Regulation (EC) No 1610/96 of the European Parliament and  
of the Council of 23 July 1996 concerning the creation of a  
supplementary protection certificate for plant protection products

*TRANSITIONAL PROVISIONS*

*Article 19*

1 Any product which, on the date on which this Regulation enters into force, is protected by a valid basic patent and for which the first authorization to place it on the market as a plant protection product in the Community was obtained after 1 January 1985 under Article 4 of Directive 91/414/EEC or an equivalent national provision may be granted a certificate.

2 An application made under paragraph 1 for a certificate shall be submitted within six months of the date on which this Regulation enters into force.

*<sup>F1</sup>Article 19a*

**Provisions relating to the enlargement of the Community**

Without prejudice to the other provisions of this Regulation, the following shall apply:

- (a)
  - (i) any plant protection product protected by a valid basic patent in the Czech Republic and for which the first authorisation to place it on the market as a plant protection product was obtained in the Czech Republic after 10 November 1999 may be granted a certificate, provided that the application for a certificate was lodged within six months of the date on which the first market authorisation was obtained,
  - (ii) any plant protection product protected by a valid basic patent in the Czech Republic and for which the first authorisation to place it on the market as a plant protection product was obtained in the Community not earlier than six months prior to the date of accession may be granted a certificate, provided that the application for a certificate was lodged within six months of the date on which the first market authorisation was obtained;
- (b) any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained in Estonia prior to the date of accession may be granted a certificate, provided that the application for a certificate was lodged within six months of the date on which the first market authorisation was obtained or, in the case of those patents granted prior to 1 January 2000, within the six month period provided for in the Patents Act of October 1999;
- (c) any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained in Cyprus prior to the date of accession may be granted a certificate, provided that the application for a certificate was lodged within six months of the date on which the first market authorisation was obtained; notwithstanding the above, where the market authorisation was obtained before the grant of the basic patent, the application for a certificate must be lodged within six months of the date on which the patent was granted;

---

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 1610/96 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- (d) any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained in Latvia prior to the date of accession may be granted a certificate. In cases where the period provided for in Article 7(1) has expired, the possibility of applying for a certificate shall be open for a period of six months starting no later than the date of accession;
- (e) any plant protection product protected by a valid basic patent applied for after 1 February 1994 and for which the first authorisation to place it on the market as a plant protection product was obtained in Lithuania prior to the date of accession may be granted a certificate, provided that the application for a certificate is lodged within six months of the date of accession;
- (f) any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained after 1 January 2000 may be granted a certificate in Hungary, provided that the application for a certificate is lodged within six months of the date of accession;
- (g) any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained in Malta prior to the date of accession may be granted a certificate. In cases where the period provided for in Article 7(1) has expired, the possibility of applying for a certificate shall be open for a period of six months starting no later than the date of accession;
- (h) any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained after 1 January 2000 may be granted a certificate in Poland, provided that the application for a certificate is lodged within six months starting no later than the date of accession;
- (i) any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained in Slovenia prior to the date of accession may be granted a certificate, provided that the application for a certificate is lodged within six months of the date of accession, including in cases where the period provided for in Article 7(1) has expired;
- (j) any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained in Slovakia after 1 January 2000 may be granted a certificate, provided that the application for a certificate was lodged within six months of the date on which the first market authorisation was obtained or within six months of 1 July 2002 if the market authorisation was obtained before that date;
- (k) <sup>[F2]</sup>any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained after 1 January 2000 may be granted a certificate in Bulgaria, provided that the application for a certificate is lodged within six months of the date of accession;
- (l) any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained after 1 January 2000 may be granted a certificate in Romania. In cases where the period provided for in Article 7(1) has expired, the possibility of applying for a certificate shall be open for a period of six months starting no later than the date of accession<sup>[F3];</sup>]
- (m) <sup>[F4]</sup>any plant protection product protected by a valid basic patent and for which the first authorisation to place it on the market as a plant protection product was obtained after

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 1610/96 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

1 January 2003 may be granted a certificate in Croatia, provided that the application for a certificate is lodged within six months from the date of accession.]]

#### Textual Amendments

- F1** Inserted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.
- F2** Inserted by Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the treaties on which the European Union is founded.
- F3** Substituted by Treaty between the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Croatia concerning the accession of the Republic of Croatia to the European Union.
- F4** Inserted by Treaty between the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Croatia concerning the accession of the Republic of Croatia to the European Union.

#### Article 20

[<sup>F1</sup>1.] In those Member States whose national law did not, on 1 January 1990, provide for the patentability of plant protection products, this Regulation shall apply from 2 January 1998.

Article 19 shall not apply in those Member States.

[<sup>F3</sup>2 This Regulation shall apply to supplementary protection certificates granted in accordance with the national legislation of the Czech Republic, Estonia, Croatia, Cyprus, Latvia, Lithuania, Malta, Poland, Romania, Slovenia and Slovakia prior to their respective date of accession.]

#### Textual Amendments

- F1** Inserted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.
- F3** Substituted by Treaty between the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria,

---

**Changes to legislation:** *There are outstanding changes not yet made to Regulation (EC) No 1610/96 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

---

the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Croatia concerning the accession of the Republic of Croatia to the European Union.

### Changes to legislation:

There are outstanding changes not yet made to Regulation (EC) No 1610/96 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

### Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/801 reg. 36](#)
- Art. 1(1)(c) words omitted by [S.I. 2019/801 reg. 20\(2\)](#)
- Art. 1(11)-(15) inserted by [S.I. 2019/801 reg. 20\(3\)](#)
- Art. 1(12) substituted in earlier amending provision S.I. 2019/801, reg. 20(3) by [S.I. 2020/1050 reg. 31](#)
- Art. 1(15)-(17) inserted by [S.I. 2020/1471 Sch. para. 2](#)
- Art. 1(15) omitted in earlier amending provision S.I. 2019/801, reg. 20(3) by [S.I. 2020/1471 reg. 2\(3\)](#)
- Art. 1A inserted by [S.I. 2019/801 reg. 21](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 21 omitted immediately before IP completion day by virtue S.I. 2020/1050, regs. 1(2), 32)
- Art. 2(b) words substituted in earlier amending provision S.I. 2019/801, reg. 22 by [S.I. 2020/1471 reg. 2\(4\)](#)
- Art. 3(1)(b) words substituted in earlier amending provision S.I. 2019/801, reg. 23 by [S.I. 2020/1471 reg. 2\(5\)\(a\)](#)
- Art. 3(1)(d) word omitted in earlier amending provision S.I. 2019/801, reg. 23 by [S.I. 2020/1471 reg. 2\(5\)\(b\)\(i\)](#)
- Art. 3(1)(d) words inserted in earlier amending provision S.I. 2019/801, reg. 23 by [S.I. 2020/1471 reg. 2\(5\)\(b\)\(ii\)](#)
- Art. 5(1) Art. 5 renumbered as Art. 5(1) by [S.I. 2020/1471 Sch. para. 4\(a\)](#)
- Art. 5(1) words inserted by [S.I. 2020/1471 Sch. para. 4\(b\)](#)
- Art. 5(2)(3) inserted by [S.I. 2020/1471 Sch. para. 4\(c\)](#)
- Art. 8(1)(a)(v) words inserted in earlier amending provision S.I. 2019/801, reg. 24(2) by [S.I. 2020/1471 reg. 2\(6\)\(b\)\(ii\)](#)
- Art. 8(1)(a)(v) words substituted in earlier amending provision S.I. 2019/801, reg. 24(2) by [S.I. 2020/1471 reg. 2\(6\)\(b\)\(i\)](#)
- Art. 8(1)(a)(iv)(v) substituted for Art. 8(1)(a)(iv) by [S.I. 2019/801 reg. 24\(2\)](#)
- Art. 8(1)(a)(iv) words inserted in earlier amending provision S.I. 2019/801, reg. 24(2) by [S.I. 2020/1471 reg. 2\(6\)\(a\)\(ii\)](#)
- Art. 8(1)(a)(iv) words substituted in earlier amending provision S.I. 2019/801, reg. 24(2) by [S.I. 2020/1471 reg. 2\(6\)\(a\)\(i\)](#)
- Art. 8(1)(b)(c) substituted by [S.I. 2019/801 reg. 24\(3\)](#)
- Art. 8(1)(b) words inserted in earlier amending provision S.I. 2019/801, reg. 24(3) by [S.I. 2020/1471 reg. 2\(7\)\(a\)\(ii\)](#)
- Art. 8(1)(b) words substituted in earlier amending provision S.I. 2019/801, reg. 24(3) by [S.I. 2020/1050 reg. 33](#)
- Art. 8(1)(b) words substituted in earlier amending provision S.I. 2019/801, reg. 24(3) by [S.I. 2020/1471 reg. 2\(7\)\(a\)\(i\)](#)
- Art. 8(1)(c) words inserted in earlier amending provision S.I. 2019/801, reg. 24(3) by [S.I. 2020/1471 reg. 2\(7\)\(b\)\(ii\)](#)
- Art. 8(1)(c) words substituted in earlier amending provision S.I. 2019/801, reg. 24(3) by [S.I. 2020/1471 reg. 2\(7\)\(b\)\(i\)](#)
- Art. 9(2)(d)(e) substituted by [S.I. 2019/801 reg. 25\(4\)](#)
- Art. 9(2)(d) substituted in earlier amending provision S.I. 2019/801, reg. 25(4) by [S.I. 2020/1471 reg. 2\(8\)\(a\)](#)
- Art. 9(2)(e) words substituted in earlier amending provision S.I. 2019/801, reg. 25(4) by [S.I. 2020/1471 reg. 2\(8\)\(b\)](#)
- Art. 10(6) inserted by [S.I. 2019/801 reg. 26\(6\)](#)

- Art. 10(6) omitted in earlier amending provision S.I. 2019/801, reg. 26(6) by [S.I. 2020/1471 reg. 2\(9\)](#)
- Art. 11(d) substituted by [S.I. 2020/1471 Sch. para. 6](#)
- Art. 11(1)(d) word inserted by [S.I. 2019/801 reg. 27\(3\)\(a\)](#)
- Art. 11(1)(e) substituted by [S.I. 2019/801 reg. 27\(3\)\(b\)](#)
- Art. 11(1)(e) words substituted in earlier amending provision S.I. 2019/801, reg. 27(3)(b) by [S.I. 2020/1471 reg. 2\(11\)](#)
- Art. 13A inserted by [S.I. 2020/1471 Sch. para. 7](#)
- Art. 14(1) Art. 14 renumbered as Art. 14(1) by [S.I. 2019/801 reg. 30\(2\)](#)
- Art. 14(1)(c)(d) substituted by [S.I. 2019/801 reg. 30\(3\)](#)
- Art. 14(1)(c) word inserted in earlier amending provision S.I. 2019/801, reg. 30(3) by [S.I. 2020/1471 reg. 2\(12\)\(a\)](#)
- Art. 14(1)(d) word substituted in earlier amending provision S.I. 2019/801, reg. 30(3) by [S.I. 2020/1471 reg. 2\(12\)\(b\)](#)
- Art. 14(2) inserted by [S.I. 2019/801 reg. 30\(4\)](#)
- Art. 14(2)-(4) inserted by [S.I. 2020/1471 Sch. para. 8](#)