

Press Statement

Plants for the Future regrets the stalemate in the EU Council on the legislation for New Genomic Techniques. The EU is losing momentum to catch up with its competitors and benefit from its own scientific excellence

Brussels 3rd July 2024 – On the week following the end of the Belgian Presidency, it is with great regret that Plants for the Future assesses the progress, or lack thereof, of the legislative proposal for plants obtained by New Genomic Techniques (NGTs). As the calendar reads, it is now eleven years since the use of gene editing (the most known NGT) was first demonstrated in plants, and six years since the European Court of Justice delivered its verdict on the status of targeted mutagenesis (an outcome of NGTs), as falling under the scope of the GMO 2001/18/EC Directive (GMO Directive)¹.

“Plants for the Future calls on the EU Council to focus on the bottom line, which is that category 1 NGT plants are identical to conventionally bred plants and should therefore be regulated in the same way. We ask to demonstrate that the EU is ready to create an innovation-friendly environment that will leverage its own scientific excellence and technological discoveries for the benefit of its agri-food stakeholders, citizens and the environment.” says Amrit Nanda, Executive Manager of Plants for the Future ETP.

Plants for the Future will continue promoting a thriving EU regulatory framework for innovations in plant breeding. The EU has a high level of scientific excellence, but not enough of it is benefiting society. The regulatory framework is the biggest bottleneck to investment and the flow of innovation from basic research to the market. The EU should strive to leverage the positive outcomes of its research and innovation, while at the same time retaining high-skilled jobs in rural areas and increasing EU agri-food competitiveness worldwide.

Background information

At the end of 2019, the EU Commission was asked to assess whether the GMO Directive was fit for purpose for NGTs, and if not, to put forward a new legislative proposal. What followed was an extensive study involving stakeholders, Member States, the European Food Safety

¹ [DIRECTIVE 2001/18/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC](#)

Authority (EFSA), and many more. The verdict, published in 2021, was clear: ***“the current 2001 GMO legislation is not fit for purpose for some NGTs and their products, and that it needs adaptation to scientific and technological progress”*** and ***“NGT products have the potential to contribute to sustainable food systems”***. While some concerns from specific groups were also identified *“Concerns included the possible safety and environmental impact, for example, on biodiversity, the coexistence with organic and GM-free agriculture, as well as labelling”*, none of these concerns are backed by evidence. Instead, EFSA concluded that conventional-like (= category 1) NGT plants pose no new hazards compared to conventionally bred plants².

The EU Commission published last summer a balanced legislative proposal, which suggests two categories for plants obtained by NGTs, depending on the nature of the changes induced³. In this proposal, category 1 NGT plants, which are indistinguishable from their conventional counterparts, would only undergo a verification procedure and thereafter be regulated almost as conventional. The main differences, compared to conventional plants, would be that category 1 NGT plants would need to have their seed bags labelled and the corresponding varieties would have to be listed in a public database. In addition, category 1 NGT plants could not be used by the organic sector.

Importantly, **it was deemed undesirable to impose labelling and traceability requirements on category 1 NGT plants and their products**. In addition to the disproportionately high costs this would entail, it would also be unfeasible to enforce any such requirements, because it is impossible to distinguish whether a change was caused by NGTs or by conventional breeding techniques.

Despite this, the EU Parliament chose to introduce labelling and traceability requirements on category 1 NGT plants and their products, when adopting their amended proposal for NGT plants in April 2024. If this is retained through trilogues, it will no doubt prevent SMEs and start-ups from using NGTs in their breeding programmes. In such a situation, the legislation will become another missed opportunity and will fail to deliver the desired outcome.

Another notable amendment, is the full ban of patents for category 1 NGT plants. While receiving full support from the EU Parliament, the ban on patents has proven more controversial in the EU Council, to the point of becoming the main obstacle to reaching a common approach.

Since the publication of the proposal for plants obtained by NGTs, the Spanish followed by the Belgian Presidencies have worked tirelessly to try to reach a common approach in the EU Council. However, the Council is stuck in a stalemate. With the Belgian Presidency having now

² EFSA 2022 [Updated scientific opinion on plants developed through cisgenesis and intragenesis](#)

³ [Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on plants obtained by certain new genomic techniques and their food and feed, and amending Regulation \(EU\) 2017/625](#)

ended, it is up to Hungary, followed by Poland. Considering the political positions of the two Member States, it is likely that they will either attempt to introduce disproportionate requirements into the text, or put the text aside and focus on other priority topics. Regardless, it will most likely be Denmark that picks up the pieces and works towards a qualified majority during its Presidency in the second half of 2025.

While some voices might rejoice in this delay, arguing that the EU has been going too fast on NGTs, it is important to note once again that it has already been **eleven years since the first application of NGTs in plants**. The EU's main trading partners have already put in place legislative frameworks that enable commercialisation of NGT plants and many NGT plant varieties are already on the market outside the EU. Meanwhile breeding companies in the EU are seeing opportunity slip through their fingers and farmers are becoming increasingly concerned about a further loss of competitiveness. The research community is also deeply affected. Many Member States still do not allow field trials of NGTs plants, as they are currently still regulated as GMOs, while in others, field trials are at risk of being vandalised and destroyed. This was the case for Italy's first gene edited field trial a few week ago⁴.

Plants for the Future ETP

Plants for the Future ETP (Plant ETP) is a multi-stakeholder European Technology Platform representing the plant sector, from the seed and breeding sector, the farming community and academia. Plant ETP brings stakeholders from the plant sector together to consider the challenges and opportunities of agricultural value chains in a holistic way, while developing a vision for future systems spanning food, feed, and biobased raw materials. In this way, Plant ETP provides strategic direction, recommendations of essential research and innovation, and science-based advice for the benefit of policymakers, research funding providers, practitioners, and innovators throughout agricultural value chains.

⁴ ScienceInsider (2024) [Landmark gene-edited rice crop destroyed in Italy](#)