

April 2025

Statement of the European Consortium for Organic Plant Breeding (ECO-PB) on the decided basis text of the EU- Council for the coming Trilogue- negotiations text on the EU regulation on plants obtained by certain New Genomic Techniques (NGT) and their food and feed, and amending EC draft Regulation (EU) 2017/625 from the 5th July 2023

ECO-PB sees a considerable need for change in the basis text of the Council of the European Union on the deregulation of GMOs/NGTs. In its current form, ECO-PB rejects the position of the EU- Council.

This position does not provide for sufficient measures to ensure lasting and effective protection against unintentional contamination as well as other disadvantages/problems to guarantee co-existence for GMO-free agriculture, in particular seed production and plant breeding.

Thus, the draft now available does not offer a solution for any of the problem areas! It contains no proposals on risk assessment, coexistence and liability regulations, nor on transparency for consumers, the obligation to provide proof, traceability and retrievability.

Not even regarding the issue to NGT-related patents, which was originally so important to the Polish Council Presidency, does the draft contain sufficient proposals to ensure GMO-free breeding and seed production in Europe.

In order to enable a minimum level of coexistence, the following measures are still needed for all varieties/plants derived from GMO/NGT processes:

1. adequate risk assessment;
2. a site register and monitoring of the released plants in order to be able to identify environmental risks that may only occur with a time delay;
3. continuous labelling of **GMO/NGT seeds and products** resulting from them across the entire value chain;
4. suitable detection methods to ensure that seed production and breeding are GMO-free;
5. protection against the negative effects of patents;
6. coexistence regulations in place before release of category 1 and 2 of NGT plants to protect organic production;
7. NGT and GMO-free regions around organic breeding and organic seed production.

The later can only be achieved by GMO/NGT-free regions/countries for both patent protected and patent unprotected NGT and GMO.

Article 7 (ter) 1. A Member State may adopt measures restricting or prohibiting use for cultivation of reproductive material of a category 1 and 2 NGT plant that has not obtained the decision referred to in Article 4(2) in all or part of its territory.

2. The measures referred to in paragraph 1 shall be based on grounds related to:

- (a) socio-economic impacts, including the economic impact on the breeding sector;*
- (b) agricultural policy objectives;*
- (c) organic and other NGT- and GMO-free production systems.*

Those grounds may be invoked individually or in combination, depending on the particular circumstances of the Member State, region or area in which those measures will apply.

Three major problems arise from the present proposal for organic breeding:

1. Contamination:

This can result through:

- a) Outcrossing directly in the field which varies according to species: with the highest risk level for outcrossing species such as maize, sugar beet and spinach, but also with considerable risk for crops like rapeseed, radish etc.; in particular by spreading in the environment through bridge crossings with wild species (as is possible with many cultivated species in Europe, e.g. rapeseed, radish, endive, beets, carrot, fennel, cabbages, oat and other cereals);
- b) Mixture of organic and NGT/GMO plant material during the process of harvesting with residual seed in machines (third-party work), transport and storage;
- c) Unintended contamination by GMO/NGT breeders or research institutes in their own gene pool or genetic resources, and/or during seed propagation conducted by third party. This will result in plant material declared as NGT-free but may already contain certain genes derived from genetic engineering, if not each seed batch is not systematically tested. This happened for example in cotton, where Bt- genes spread unintentionally also to “GMO-free” cultivars and genetic resources. Thus, genetic resources and released varieties may no longer be acceptable of non-GMO/NGT organisations especially organic breeders and seed producers.

2. Being cut off from the general collective breeding progress

The breeder's privilege to use released varieties freely for own breeding programs becomes obsolete by continuously reducing the possible starting material for organic breeding projects as

- a) Parental material derived from genetic engineering is not allowed in organic plant breeding.
- b) Genetic resources and varieties not declared as NGT or GMO might still carry constructs of genetic engineering due to spontaneous outcrossing or unintended contamination (point 1) and could destroy the whole organic or NGT-free breeding program, therefore breeders might refrain from third party plant material.
- c) Patents related to NGT's which hamper to usage for own plant breeding programs.

3. Patents

The present draft does not in any way do justice to the effective protection of the existing breeder's privilege in the EU (full possibility of using all varieties on the market for further development and marketing of new varieties). In its current version, it de facto leads to a departure from plant variety protection and thus also to a departure from farmers' privileges and breeders' rights.

Patent infringements caused by the unintentional use of protected DNA- sequences can result from:

1. contamination in the field (see 1.a.) and in other processes (see 1.b.);
2. unintentional introduction of corresponding genetic material into one's own breeding projects (1c).

The use of GMO/NGT will be associated with a large number of patents. In this case, the European Patent Directive must finally be adapted at least in such a way that NGT patents only refer to the techniques used, but not to living material such as plants, plant parts and their properties. At the very least, patents may not be granted on plants, plant parts and their properties that are developed by conventional breeding methods. The same applies of course to animals.

Solely because of the patent problem there must be no deregulation of the new genetic engineering processes and the placing on the market of the resulting products (varieties).

According to the latest market figures 17.75 million hectares of agricultural land (10.9%) in the EU were farmed organically in 2023, with retail sales of organic products summing up to € 46.5 billion. Per capita spending on organic food more than doubled to € 104 in the decade from 2014 to 2023. **To safeguard the continuous growth of the EU organic sector** which is intended to reach 25 % of the EU's arable land by 2030 (EU Green Deal: Farm2Fork Strategy) it is important to **implement coexistence regulation** before the deregulation of NGTs and allow **for NGT/GMO free regions for organic breeding and seed production.**

The Executive Board, April 2025