

1st Nov 2023

Statement of the European Consortium for Organic Plant Breeding (ECO-PB) on the Commission's proposal for the EU regulation on plants obtained by certain New Genomic Techniques (NGT) and their food and feed, and amending Regulation (EU) 2017/625 from the 5th July 2023.

ECO-PB is highly concerned about the present draft proposal and considerable changes are needed in the Commission's draft for the deregulation of GMOs/NGT in order to allow for NGT-free organic production, seed propagation and organic breeding. Transparency and traceability are not given for certain NGTs along the value chain, co-existence between NGT and NGT-free production is not properly addressed and the Intellectual property right issue has been excluded. However, patents on plants are increasingly threatening the accessibility of genetic resources for further plant breeding to mitigate the effects of climate change. Thus, in its current form, we reject the proposal.

ECO-PB believes that the continued growth of the organic food and farming movement in Europe is vital for a transition to healthy and sustainable food systems. As pointed out by the umbrella organisation [IFOAM Organics Europe](#) the vast majority of the organic movements reconfirmed that [organic production processes should remain free of Genetically Modified Organisms](#) (GMOs). As the European Commission's proposal reflects, [the use of gene editing technologies is not aligned with the principles of organic agriculture](#). Using NGTs in food production can lead to [unintended effects](#), has potential risks, conflicts with the precautionary principle and does not meet the consumers' expectation for GMO free products. To maintain the integrity of the organic sector it is mandatory that all types of GMO, including old GMO, NGT type 1 and NGT type 2 stay forbidden in organic across the EU Member States. The present discussion on allowing NGT1 in organic agriculture is not acceptable, as it violates the principles of organic farming. It is a very fundamental decision based on the values of organic actors to refrain from genetic engineering, and therefore the prohibition of GMO and NGT in organic farming must be clearly regulated at EU level and must not be delegated to private labels. Maintaining consumer trust in the organic supply chain integrity is crucial for the success of organic. So, traceability and labelling of all GMOs, including NGTs, are of the utmost importance to protect the organic market and reputation of organic products.

- ⇒ **NGT 1 and NGT 2 are both forbidden in organic production** as has already been defined in the present draft text. To enforce this fact, an amendment is also needed in the EU organic regulation 2018/848 to clearly exclude GMO plants no matter if they are derived from old GMO-techniques, NGT 1, NGT2, or any other technique that represents a technical intervention of isolated DNA, RNA or proteins below the cell level.

In order to guarantee farmers' and consumers' free choice and to avoid contamination it is important that all GMO and NGT derived plants, seeds and products are labelled throughout the value chain.

- ⇒ **Full transparency and traceability** is mandatory **throughout the entire value chain** from the seed to the plate.
- ⇒ **Register of GMO/NGT varieties and GPS of GMO/NGT** multiplication sites and of food and feed production sites.
- ⇒ A method to identify and analytically detect the GMO/NGT event should be provided by the developer to allow traceability and avoid fraud. Such method(s) shall be made publicly available.

The draft does not provide sufficient measures to ensure lasting and effective protection against **unintended contamination** as well as further disadvantages / problems for organic and GMO-free agriculture and food production. Unintended contamination can occur through

- a. Cross-pollination directly in the field by neighbouring crops, for food and for seed. The highest risk level exists with insect and wind cross-pollinating crops (e.g., rape seed, maize, sugar beet, spinach, beetroot etc.); this is even accelerated in the presence of native wild plants which can result in interspecific or so-called bridge crossing (as has been observed in rape seed for the first generation of GMOs);
- b. In the further process of harvesting by admixture of residual seed in sowing and harvesting machines (shared machine pool), seed drying, cleaning, transport and storage;
- c. Gradual contamination of GMO/NGT in the whole gene pool of breeding companies, institutes and gene banks that are applying GMO/NGT. . The currently applied isolation distances for seed multiplication are not sufficient to totally exclude the risk of outcrossing. This unintended contamination happened e.g. in India with self-pollinating Bt cotton in public breeding stations and with GMO maize in the Mexican region of origin. Thus, in future also declared non-GMO/NGT varieties bear the risk of contamination and need to be tested.

To avoid risk of contamination organic breeders might not be able to utilize newly released GMO/NGT free varieties as crossing parents, as they do not know the history of breeding and measures to prevent contamination during seed production conducted by GMO/NGT using companies. This will lead to limited utilization of the breeders privilege, becoming detached from general breeding progress and will result in higher efforts to maintain the present breeding gain.

- ⇒ **Measures for coexistence of GMO and GMO-free production must be defined on EU level before the release of NGT1 or NGT2 and cannot be delegated to the Member States.** This includes sufficient geographic distance and physical barriers, adequate risk management, strict process certification as well as appropriate verification procedure including the mandatory labelling and disclosure of detection methods for the different NGT events.
- ⇒ **Liability of unexpected side effects as well as GMO/NGT contamination in organic and GMO-free products must be regulated according to the polluter (GMO/NGT developer) pays principle.**
- ⇒ **Special care must be given to avoid any GMO/NGT contamination during organic breeding, organic seed production, and *in situ* and *ex situ* maintenance of genetic resources in public gene banks and community gene banks.** If the starting material is contaminated this breeding material is lost for organic breeders and farmers. Therefore, the avoidance of GMO contamination in seed and breeding material must be conducted much more rigorously than in organic food and feed production. For this reason, the GMO/NGT developer must provide sensitive detection methods. In conventional seed production, the minimum isolation distance for different types of beet root is 10 km. Thus, to lower risk of NGT/GMO contamination in organic seed and organic breeding the GMO/NGT-free region must be rather 30 to 50 km.

The present draft in its current version does not address the issue of **intellectual property rights**. However, already today there are more than 3000 patents and patent applications on “CRISPR” & “CROP” (www.lens.org) with Monsanto and Pioneer as main applicants). The massive consolidation

of the seed sector is further accelerated and thus the dependency on few private multinational companies is further increasing. If the patentability of NGTs in Europe are not regulated quickly before the release of GMO/NGT derived plant varieties, the well functioning CPVO plant variety protection will be undermined. The plant patents will de facto overwrite the farmers' right and breeders' privilege. Moreover, patent infringements can arise from unintentional contamination of patent protected plants (see above) and through introgression of released varieties into the own breeding pool without knowledge that there is a patent involved. The IP issues must be solved before the release of GMO/NGT derived plants and cannot wait till 2026.

- ⇒ **Plants derived from NGT should not be subject to European patents** as they limit breeders' privilege. Therefore, the EU law on IP rights needs to be changed to forbid patents on living organisms.
- ⇒ In the time being, all patents related to released varieties must be **publically disclosed** on the CPVO variety finder database and the patent owner has to respect the **breeders' privilege**. (see [Austrian patent law](#), draft of [Swiss patent law](#))

In order to strengthen the food and seed sovereignty of the EU Member States and to develop national marketing strategies it is desirable to maintain the opt out rule for specific regions or countries to define GMO/NGT-free regions within countries. Developers and users of GMO/NGT should respect the need of establishing GMO/NGT-free regions and not undertake their activities in a manner that deliberately encroaches on such regions. This will provide a feasible framework to allow for coexistence and avoiding cross-contamination.

- ⇒ Give authorities to the different EU Member States to define GMO/NGT-free regions for organic and non-GMO agriculture, breeding and seed production.

ECO-PB calls for a strict ban on NGTs in organic and clear labelling on all products. Only this way can we ensure that any additional financial and legal burden ensuring the GMO-free status of production does not fall on farmers and operators who do not wish to use NGTs. ECO-PB calls for the maintenance of a system of identification and traceability, so that organic and conventional operators have the right and freedom to continue producing GM-free throughout the entire supply chain.

On behalf of the Members of ECO-PB <https://www.eco-pb.org/members.html>

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