

CropLife Europe's position on COM ENVI report as regards the legislative proposal on plants obtained by certain New Genomic Techniques

22 January 2023

The Commission's proposal on New Genomic Techniques (NGTs) can enable all actors, including SMEs and public researchers, to bring new and more resilient plants to the EU market and enable more sustainable production. Allowing their uptake in the EU will help overcome climate and plant health challenges and transition towards a more sustainable and resilient agriculture. That is why CropLife Europe urges the European Parliament to adopt this legislative framework within the current Commission's mandate.

Ahead of the vote on 24 January 2024 in the Environment Committee, please find below our position for your consideration.

Verification process and equivalence criteria for category 1 NGT products

To be effective, the verification process to determine a product's category must be streamlined and predictable. This will allow all actors to bring to the market diverse products needed to contribute to sustainable agriculture. Clear and science-based equivalence criteria are an essential part of ensuring a proportionate and functional system.

We support the criteria to determine which NGT plants fall under category 1 (conventional-like) and can therefore be exempted from GMO requirements, as this remains proportionate and based on the final product rather than technique used to develop the product.

We have concerns about how the sustainability list set out in Annex III can be translated into criteria within this framework which is also applicable to research trials. We believe that this should be considered in the new proposal for the Plant Reproductive Material (PRM) regulation so that it applies to all new varieties. In order to avoid hurdles for efficient concept testing including research trials, it would be disproportionate to require the same level of information, at the verification stage, to demonstrate sustainability.

- **Considering the aspects mentioned above, we respectfully call on MEPs to support CAs 4, 4A and 8.**

Progeny of category 1 NGT plants

Subjecting each generation of category 1 progeny without additional changes to a new verification process would create a huge obstacle for breeders, and farmers, and add a lot of burden on competent authorities. This approach would deter breeders from combining beneficial traits developed using conventional and NGT methods through conventional cross breeding, limits access to genetic diversity and impede progress in breeding. Today, progress in breeding is based on using the latest varieties and adding beneficial characteristics via cross breeding. If the administrative burden is high, the benefits of NGTs would run empty after the first application.

- **Considering the aspects mentioned above, we respectfully call on MEPs to reject CA 3.**

Intellectual property on plants obtained by NGTs

We support the Commission's intention to conduct a study on the impact of the patenting of plants and related licensing and transparency practices on innovation in plant breeding and we are ready to contribute to the study.

The proposed measures such as the public disclosure of proprietary information (e.g. the sequence of the modification) create disincentives for developers who consider entering the EU market without any apparent benefits for the public.

- **Considering the aspects mentioned above, we respectfully call on MEPs to reject CA 5 and 6A.**