Dear President,

The Commission would like to thank the Senát Parlamentu of the Czech Republic for its Resolution on the 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 {COM(2023) 411 final}.

This proposal forms part of a broader package of ambitious measures for a sustainable use of plant and soil natural resources, which will also strengthen the resilience of EU food systems and farming¹. More specifically, it aims at maintaining a high level of protection of human and animal health and of the environment in accordance with the precautionary principle, enabling the development and placing on the market of plants and plant products contributing to the innovation and sustainability objectives of the European Green Deal and of the Farm to Fork and Biodiversity strategies, and ensuring the effective functioning of the internal market and enhancing the competitiveness of the agri-food sector at the EU and global level.

The proposal would establish two categories of plants obtained by certain new genomic techniques (NGTs): NGT plants comparable to naturally occurring or conventionally bred plants (category 1 NGT plants in the proposal), and NGT plants with more complex


President of the Senát
Valdštejnské naměstí
CZ – 118 01 PRAGUE 1
modifications (category 2 NGT plants in the proposal). Each category would be subject to different requirements, adapted to their characteristics and risk profile.

The Commission would like to thank the Senát for expressing its support to the proposal. We have carefully analysed the points raised in the Resolution and would like to provide the following clarifications.

The Commission is pleased that the Senát recognises the potential of new genomic techniques to contribute to the objectives of the Green Deal and the Farm to Fork and Biodiversity strategies. The Commission welcomes that the Senát agrees with the proposed requirements and procedures for the deliberate release into the environment of plants obtained by new genomic techniques and the placing on the market of such plants and of food and feed produced from them.

In its Resolution, the Senát raises concerns regarding the potential negative impact of the patenting of NGT plants, in particular those under category 1, on the breeding sector and, as a result, it requests including in the legal text a prohibition of the patenting of category 1 NGT products. The Commission would like to note that the impact assessment accompanying the Commission’s proposal reflects the concerns raised by many stakeholders on the possible proliferation of patents on NGT plants in the future and its potential impact on accessibility of seeds and genetic material. It concludes that, while from the legal point of view, the NGT initiative is independent from the rules on the protection of intellectual property and does not address matters relating to the application of that legislation to genetically modified organisms, the Commission has taken note of the concerns and will carefully consider them\(^2\). In that regard, in its Communication ‘Ensuring resilient and sustainable use of EU’s natural resources’\(^3\), which accompanied the proposal, the Commission committed to assess the impact that the patenting of plants and related licensing and transparency practices may have on innovation in plant breeding, on breeders’ access to genetic material and techniques and on availability of seeds to farmers as well as the overall competitiveness of the EU biotech industry, and to report on its findings by 2026.

The points made above are based on the proposal presented by the Commission, which is currently in the legislative process involving both the European Parliament and the Council, and therefore may be amended by them.

The Senát’s Resolution has been made available to the Commission’s representatives in the ongoing negotiations of the co-legislators and will inform these discussions.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senát and looks forward to continuing the political dialogue in the future.

Yours faithfully,

\(^2\) Section 7.3.2 of the impact assessment.

\(^3\) COM(2023) 410 final
Maroš Šefčovič  
Executive Vice-President

Stella Kyriakides  
Member of the Commission