Dear [Name]

Subject: Your email of 26 October 2023 – Copa-Cogeca position paper on new genomic techniques

I refer to your email of 26 October 2023 (1) addressed to Director-General Sandra Gallina, who has asked me to reply on her behalf.

I would like to thank you for sharing the position paper of Copa Cogeca on the proposal for a Regulation on plants obtained by certain new genomic techniques, which I have read with interest. I would also like to reply to the main points mentioned in the email accompanying the position paper.

You consider that the proposed criteria for category 1 NGT plants need to be refined to take better into account the genetic specificities of each plant species and traits that are under the control of many genes. Please be informed, that the criteria included in the proposal were designed to cover the modifications that are also frequently observed with conventional breeding techniques as identified in a scientific literature analysis (2), taking into account relevant work of the European Food Safety Authority and of the Joint Research Centre. The Commission followed a conservative approach, considering the novelty of new genomic techniques, to ensure that plants obtained by complex modifications are excluded from the verification procedure.

In your email you request that provisions relating to including information on category 1 NGT status on seed bags should be removed as they are not relevant for end consumers. The Commission considers that this information can be important for farmers and is particularly relevant for those who wish to avoid using such NGTs – such as organic farmers.

(1) Our reference Ares(2023)7329009

Copa-Cogeca

E-Mail: [Email]@copa-cogeca.eu
You write that the proposed sustainability criteria that incentivise category 2 NGT plants contradict the sustainability characteristics of the Value for Sustainable Cultivation and Use in the proposed Regulation for the production and marketing of plant reproductive material (PRM). It is not immediately clear to me how you come to this conclusion, given that while there are some minor wording differences between the sustainability criteria in the NGT and the PRM proposals, they include substantially identical characteristics contributing to sustainability.

You furthermore claim that the proposal falls short of a full harmonisation of the rules of coexistence for category 2 NGT plants and that this approach would create considerable legal uncertainty and also contradict the basic idea of a European level playing field. However, farm structures and farming systems, and the economic and natural conditions under which farmers in the European Union operate, are extremely diverse. The diversity of farming systems and natural and economic conditions in the EU needs to be taken into consideration when designing measures to avoid the unintended presence of category 2 NGT crops in other crops. A full harmonisation of coexistence measures at European level would, therefore, not be appropriate.

Finally, you request a derogation from GMO provisions on the testing of category 1 NGT plants in the laboratory. With regard to this issue, I would like to clarify that GMO provisions, including on GM testing, do not apply to plants that have been verified to be category 1 NGT plants.

To conclude, I would also like to thank your organisation for providing feedback on the proposal through the Commission Have Your Say portal. Stakeholder feedback and debate continue to be important during the legislative process, and the Commission will transmit to the European Parliament and the Council an overview of comments received for them to consider in their discussions.

Yours sincerely,

Klaus Berend

Cc: Copa-Cogeca, E-mail: @copa-cogeca.eu