

Ref. LETTER(23)03632[1]

Mr Giorgos Rossides
Head of Cabinet of Commissioner
Ms Stella Kyriakides
European Commission
200, rue de la loi
B-1049 Brussels

Brussels, 28 June 2023

Subject: Plants obtained by certain NGTs

Dear Sir,

Copa and Cogeca support the work of the European Commission in publishing in the same package the proposal for a regulation on plants obtained by certain NGTs and proposal for a regulation on plant reproductive materials (PRM). However, the question of plant patentability cannot be ignored in the context of legislation on NGT plants.


The draft legislative proposal on plants obtained by certain NGTs has been reported by media; as a consequence, stakeholders and NGOs will reiterate their position to the Commission.

In accordance with the letter sent by Copa and Cogeca presidents on 26th April (your ref Ares(2023)2943952), I would like to comment on the following issues:

Firstly, given the challenges facing European agriculture, plants obtained by certain NGTs equivalent to conventional plants (nature-like mutagenesis plants) should be available for all sectors and all regions in the EU.

Secondly, the principle of freedom of choice applies to farmers. The organic farming sector must not be faced with insurmountable barriers to improving its performance through better genetic material. Organic farmers should have the freedom to use or not to use NGT plants equivalent to conventional plants (nature-like mutagenesis).

Finally, Copa and Cogeca would expect the patent issue on plant varieties to be taken into consideration. Patent claims do not distinguish between organic and conventional farming. They cover both and are being affected very quickly at present. Unlike PVR/UPOV, patent rights are not restricted to a specific plant variety; they cover everything that is described in the claims. PVR/UPOV relates to the multiplication of a variety; growing, harvesting and further breeding of the variety is free of charge, thus stimulating maximum innovation and development for the benefit of society, farmers and breeders. Patenting in plants is about blocking the access of others to genetics, plus controlling plants and plant products all the way from breeding to end consumers. The concept of a "breeders' gene pool" mentioned in the draft proposal could call into question the PVR/UPOV breeders' and farmers' rights.

A copy of this letter is also being sent to Maciej Golubiewski, Head of the Cabinet of Commissioner, Mr Janusz Wojciechowski and 

We remain at your disposal for further exchanges on this matter.



Yours faithfully,



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