



EUROPEAN COMMISSION

Head of Cabinet of Ms Stella Kyriakides
Commissioner for Health and Food Safety

Brussels, 11 July 2023

Dear [REDACTED]

Thank you for your letter of 28 June 2023¹ regarding the Commission's proposals on plants obtained by certain new genomic techniques (NGTs) and on plant reproductive materials that were adopted on 5 July.

In your letter you stress that 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 and you underline the need for farmers, including organic farmers, to be able to choose to use, or not to use, NGT plants that are comparable to conventionally bred plants. You also raise concerns regarding patentability of plants in the context of the NGT proposal.

The Commission has proposed a verification procedure based on a set of criteria to identify NGT plants (whether obtained by targeted mutagenesis or cisgenesis) that could have been obtained by conventional means. We proposed to exempt such NGT plants from the requirements of the GMO legislation and to make them subject to the rules that apply to conventional varieties. This should facilitate their use across sectors and regions of the EU.

As you will have seen, we have also proposed a prohibition on the use of NGT plants and products (including those that could have been obtained conventionally) in organic production. This responds to the strong view of the organic sector as expressed in the consultation process, which considers NGTs to be incompatible with the principles of the organic movement and consumers' current perception of organic products. Our proposal foresees close monitoring of economic, environmental and social impacts of NGTs placed on the EU market, including impacts on organic agriculture. This will allow to assess whether the objectives of the legislation are fulfilled to evaluate it and to propose adaptations, should it be necessary.

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¹ Our reference Ares(2023)4508977

Regarding your concerns on the patentability of NGT plants, I would like assure you that the Commission is taking these concerns very seriously. In its ‘Communication on Ensuring resilient and sustainable use of EU’s natural resources’², also published on 5 July, the Commission acknowledges the importance of ensuring farmers and breeders have access to patented techniques and material. The Commission will assess, as part of a broader market analysis, 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. The Commission will publish a report on its findings by 2026, which will identify possible challenges in the sector and serve as basis to decide on any possible follow-up actions.

I would like to thank you for your constructive contributions in the leadup to the adoption of the Commission proposal on NGTs, and warmly invite you to continue to share input as well as any data and information you may and may be useful regarding next steps on these issues.



Giorgos ROSSIDES



² COM(2023) 410