

Brussels, 17 November 2023

To: Agriculture ministers of the European Union

*Re: Agriculture and Fisheries Council, 20 November 2023 – Points of reflection on agenda item
“Regulation on plants obtained by certain new genomic techniques and their food and feed products -
state of play”*

Dear Agriculture Minister,

On November 20th, at the Meeting of the Council of Agriculture ministers, there will be an update on the state of play and information on the legislative proposal on so-called “New Genomic Techniques” (NGTs) and their food and feed products by the Spanish presidency.

On this occasion, **IFOAM Organics Europe would like to raise a few important points of consideration** on the Commission’s legislative proposal on NGTs as well as the Council presidencies’ draft compromise text which was circulated in early October.

1) New briefing paper on the approach of sustainable innovation in the breeding sector

First of all, following up on the [IFOAM Organics Europe letter](#) to European agricultural ministers ahead of the Informal Council meeting on September 5th on the topic of “New technologies for more sustainable and resilient agriculture”, **we would like to call your attention to our recently published [briefing paper](#), entitled “Sustainability in organic breeding: Improving the entire system or adjusting some genes?”**. This briefing paper provides an overview of the organic food and farming movement’s understanding of sustainability in crop breeding. From this perspective, the European Commission’s approach to sustainability and innovation in our agrifood systems in the NGT legislative proposal displays significant shortcomings. Much of the justification of the legislative proposal is based on the alleged benefits of NGT crops for ‘sustainability’. This can be seen in the recitals, but also in the form of sustainability incentives (Article 22), based on the criteria set out in Annex III, and the voluntary statement (Article 23), which can be used to make broad and unfounded claims about the intent of a genetic modification, including modifications for alleged improved drought resistance. The very term ‘sustainability’ itself is mentioned 30 times in the legislative proposal.

However, it should not be possible for a product or an agriculture production system to be declared “sustainable” solely based on a given plant variety, let alone a trait. Moreover, the alleged benefits of genetic engineering for sustainability, spanning from pest resistance to drought resistance, are

currently based on assumptions and remain theoretical industry promises. While innovation in breeding is needed, it should not be reduced to using genetic engineering.

The rich experience in organic agriculture over the past decades shows that an agroecological perspective of our food systems, relying on a combination of strategies and tools and on ecosystem interactions, is what creates long-term resilience. Using its system-based approach with biodiversification and ecosystems' health at its core, organic breeding offers resilient pathways to sustainability and innovation in agriculture, which is exemplified by two case studies in the briefing paper. Moreover, organic breeding offers socially innovative approaches that have environmental and socio-economic benefits, using inclusive systems of participatory breeding. These approaches heavily contrast with the harmful monopolisation of genetic resources into the hands of a few multinational companies through encroaching intellectual property rights on varieties and traits, which is legitimised by genetic engineering.

2) Call to maintain the prohibition of all NGTs from organic production and offer the adequate means to substantiate freedom of choice for producers.

IFOAM Organics Europe fully agrees with the prohibition of all NGTs from organic production, as laid out in the European Commission's proposal and affirmed by the Council presidencies' draft proposal on Article 1-11. The prohibition is in line with the precautionary principle and the principles of organic farming as well as the clear demands from organic operators in Europe, as clarified in the 2017 [position paper](#) and the 2023 [resolution](#). Beyond transparency provisions foreseen in the current proposal text, which are an important step to guarantee freedom of choice on the seeds that enter the production process, further information is needed to guarantee freedom of choice for all operators of the supply chain and to uphold consumer trust in the integrity of the organic market. Namely, **traceability and labelling of all GMOs including all NGTs all along the production chain are essential legal and technical means**, so that adequate measures to avoid unintended contamination can be taken on all supply chain levels, including processing, transport, and storage. Additionally, **Member States must have all legal means to ensure and implement adapted and crop-specific coexistence rules in their territory**, including the right to ban the cultivation of NGTs in areas where "coexistence" is practically or economically not feasible.

3) Concerns about arbitrary and substantial definitional changes

The presidency of the European Council suggested a small, but substantial change in Article 3 of the legislative proposal, which lays out definitions. Under Article 3(2), the presidency suggests to delete the term "genetically modified" from the definition of an 'NGT plant', so that the paragraph now reads: "'NGT plant' means a [~~genetically modified~~] plant obtained by targeted mutagenesis or cisgenesis, or a combination thereof, on the condition that it does not contain any genetic material originating from outside the breeders' gene pool that temporarily may have been inserted during the development of the NGT plant". Legally, politically, and [technically](#), this is unjustifiable and deeply concerning. The judgement of the European Court of Justice in 2018 clarified that plants derived from new genomic techniques still constitute genetic modifications. Even in the logic of the Commission's proposal, NGTs are still genetically modified. Albeit under certain criteria, some GMOs derived from NGTs may be subject to a new regulatory framework, i.e., Category 1 or Category 2 NGT plants. Political pressures pushing for a new regulatory framework do not justify blurring the definitional lines between conventional breeding methods and genetic engineering based on unsound reason, and Member States should take a clear position to remedy this.

We thank you for your consideration of these arguments and are available for any questions, clarifications, and exchanges.

Yours sincerely,



Eduardo Cuoco
Executive Director
IFOAM Organics Europe