

Brussels, 20 July 2023

To: Agriculture ministers of the European Union

*Re: 25 July AGRIFISH Council exchange of views on the Commission's proposal on NGTs*

Dear Agriculture Minister,

On 25 July at the Council of Agriculture ministers, you will hold an exchange of views with other Member States on the Commission's proposal on so-called "Novel Genomic Techniques".

On this occasion, **IFOAM Organics Europe urges you to call for maintaining traceability and the possibility of coexistence for the two categories of NGT plants proposed by the Commission**, the Category 1 NGT plants and Category 2 NGT plants.

IFOAM Organics Europe fully agrees with the prohibition of all NGTs from organic production, in line with the precautionary principle and the principles of organic farming. Indeed, the overwhelming majority of organic producers is against the use of NGTs in organic agriculture and wants their production process to remain free of gene editing technologies.

The alleged benefits of NGTs for sustainability or pest resistance are currently based on assumptions and industry promises, and the evaluation of the capacity of certain modifications to provide long-term resistance to pests or diseases needs to be assessed against alternatives and should be part of the risk assessment. Even if some plant varieties would be successfully genetically modified to develop a resistance towards a certain disease, this resistance is unlikely to last very long as diseases develop resistance themselves. Organic breeders and farmers know by experience that resistance based on a single gene or trait is broken by pathogens after a few crop generations, leading to an unfruitful, perpetual spiral to search and develop new resistances to new pests.

This is precisely why the organic approach to plant health care relies on the combination of a diversity of strategies and tools to manage pests and diseases, making use of the biological interactions already taking place in nature. Such agroecological approaches, which necessitate important agronomic knowledge and a systemic approach to the complexity of agroecosystems, are better placed to deliver long-term results both in terms of sustainability and in terms of preventing the apparition of resistance to pests and diseases.

The success of organic farming depends on consumers' trust in the integrity of the organic supply chain. **Traceability and labelling of all GMOs including NGTs are essential to protect the organic market and the reputation of organic products.** Consumers' trust in organic products would be undermined, and the organic market would be put at risk in the case that NGTs would be de facto allowed in organic production, or if organic operators would not have the legal means to ensure that

no GMOs, including crops derived from both Categories 1 and 2 NGTs, are used in the organic production process.

Therefore, the obligation to avoid NGTs in the organic production process needs to be matched with the corresponding legal and technical means to enforce it. It is therefore essential to maintain a traceability system all along the supply chain. **The same provisions on traceability and labelling that apply to Category 2 NGTs (according to the Commission's proposal) should therefore also apply to Category 1 NGTs.** Organic producers need to be equipped with the right legal means to fulfill the prohibition of NGTs in organic production.

The Commission's proposal, published on July 5, foresees some minimum transparency provisions for Category 1 NGTs, namely a new public registry (Article 9), labelling information on the seed lot (Article 10), and additional information in the seed catalogue. These provisions are a step in the right direction, but they are not sufficient to allow for the possibility of establishing coexistence measures for the entire supply chain. Further, the extensive provisions laid out under the aspect of "confidentiality" (Article 11) significantly put even the minimum transparency information requirements into question.

For Category 2 NGT crops, Member States shall conceive coexistence measures (Article 24). **These provisions on coexistence should also apply to Category 1 NGT crops,** as they apply to GMOs because cross-contamination from field-to-field will take place whatever the process of genetic modification. **A legal basis allowing Member States to take coexistence measures is also necessary for Category 1 NGT crops,** such as separation distances between fields where NGTs are grown and conventional or organic fields. Contrary to the provision in Article 25, coexistence measures should also include the possibility to ban the cultivation of NGTs in certain areas of production, where field sizes and other geophysical factors would make it too difficult or too costly to ensure coexistence.

Last but not least, **traceability for both Category 1 and 2 NGTs is also essential to safeguard the integrity of the European breeding sector, whose model of innovation is based on the circulation of genetic resources.** This model of innovation is threatened by patents associated with NGT crops that would neither be identifiable nor traceable. The monopoly of use of certain genes and traits granted by patents unfortunately extends to all crops and varieties obtained by conventional breeding. The traceability system is the only safeguard that currently protects breeders and farmers from threats of legal cases for patent infringements.


IFOAM Organics Europe calls on EU agricultural ministers to first ensure that the legal loopholes permitted by Directive 98/44/EC on the patentability of biotech inventions are closed. This Directive currently allows the extension of the scope of patent claims on crop properties derived from genetic modification to traditionally bred crops. The publication on 5 July of the legislative proposal on NGTs was accompanied by a Commission's communication specifying that the impact of the patenting of plants on innovation in plant breeding should be assessed in a 2026 report as part of a broader market analysis. This delaying approach does not present a real solution to this problem of patents blocking innovation in breeding, which many stakeholders across the board consider a crucial issue to maintain European sovereignty and independence in seed production.

According to IFOAM Organics Europe, **all NGT should fall into only one category, which is covered as Category 2 NGT crops in the Commission's proposal.** Besides [significant scientific critique](#) on the arbitrary approach of the categorization of NGTs based on the number of genetic modifications, the treatment of all NGTs according to the provisions laid out for Category 2 NGT crops<sup>1</sup> would allow for simplification and for the maintenance of traceability for all NGTs, which is necessary to ensure



coexistence all along the production chain, while adapting some of the requirements of the current legal framework for GMOs.

Yours sincerely,



Jan Plagge  
President  
IFOAM Organics Europe