PLANTS PRODUCED BY CERTAIN NEW GENOMIC TECHNIQUES - Q3 2023

[ANNOUNCED]

CONTENT

On 14 September 2022, in her State of the Union address, European Commission President Ursula von der Leyen announced the Commission intention to present a legislative proposal on plants produced by certain 'new genomic techniques' (NGTs). The term refers to new genetic engineering processes such as CRISPR/Cas, which are used to modify the genetic make-up of plants even more profoundly and rapidly than is possible with conventional breeding. To align existing EU legislation on GMOs with these new developments, on 5 July 2023, the European Commission tabled a proposal for a regulation on plants obtained by NGTs.

The scope of this initiative are plants produced by targeted mutagenesis (a set of techniques, allowing modifications of the genome without the insertion of foreign DNA), cisgenesis (a modification of the genetic material of an organism with a sequence from the same species or one closely related) and intragenesis (a modification of the genetic material of an organism with a combination of different sequences from the same species or one closely related) and their food and feed. The proposal does not include plants obtained by NGTs that introduce genetic material from a non-crossable species (transgenesis). Such techniques remain subject to the existing GMO legislation.

The regulation aims to enable the development and placing on the market of plants and plant products obtained by NGTs, while maintaining a high level of protection of human and animal health and of the environment.

The Commission proposal is structured around two categories of plants aiming to distinguish varieties "considered equivalent to conventional plants" – 'Category 1 NGT plants' – from all other plants obtained through NGTs – 'Category 2 NGT plants'. The Commission proposal considers an NGT plant equivalent to conventional plants "when it differs from the parent plant by no more than 20 genetic modifications". For their part, 'Category 2 NGT plants' are defined by default: they include all other varieties obtained through NGTs.

The deliberate release and placing on the market of NGT plants would be subject to one of two procedures: notification (for 'Category 1 NGT plants') to establish equivalence with conventional products and authorisation (for 'Category 2 NGT plants').

'Category 1 NGT plants' are however treated as GMOs for the purposes of organic production. For 'Category 2 NGT plants' EU countries are required to adopt coexistence measures to avoid the unintended presence of such NGT plants in other products. The possibility for EU countries to restrict or prohibit cultivation of GMOs under Directive 2001/18 would not apply to such NGT plants.

Regarding the traceability of plants obtained by NGTs, the Commission opted for a hybrid solution. For 'Category 1 NGT plants', the mandatory labelling that applies to GMOs is abandoned. The Commission proposes to maintain mandatory labelling for 'Category 2 NGT plants' and leaves the possibility of specifying the characteristics brought by the genetic modification by adding a factual statement. To ensure transparency and freedom of choice for farmers, all NGT plants will be listed in a public database. In addition, their seeds and other plant reproductive material will be labelled, and information on NGT plant reproductive material will be listed in the common EU catalogues of plant varieties.

Regulatory incentives would be offered to applicants for 'Category 2 NGT plants' containing traits with the potential to contribute to a sustainable agri-food system, provided they do not contain herbicide-tolerant traits.

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