



Linkenheim-Hochstetten, 19.04.2024

Opening the way for new genomic techniques in Europe

....., Member of the European Parliament,

on 24th April 2020, the Commission`s proposal on the regulation of plants and products derived from certain new genomic techniques (NGT) will be discussed at a first reading concerning the amendments proposed by the EU Parliament and will be voted on again. Therefore, the Wissenschaftskreis Genomik und Gentechnik e. V. (WGG) is kindly addressing you anew.

Following in-depth analysis of the amendments to the proposal as adopted by the Parliament on 7th February 2024, three priority points have emerged in our view:

- Patentability of NGT plants
- Safety assessment of NGT-1 plants
- Labelling and traceability of NGT-1 plants and products

Please, let us explain our view on these points.

Patentability: In line with the German Research Foundation (DFG), the WGG is of the opinion that further careful consideration is needed to satisfactorily resolve legal issues surrounding patent and plant variety protection for all parties involved. However, there is no direct legal link between European genetic engineering law on the one hand and intellectual property law (patent and plant variety protection law) on the other, as it is often portrayed in the political debate. For this reason, and alike the DFG we are in favour of decoupling the discussions on patent and plant variety protection law from the Commission's regulatory proposal and not delaying it further.

Safety assessment: The Commission's proposal for the new regulation of genetically modified plants, which was developed on a sound scientific basis, allows for NGT-1 plants whose genetic modifications could also arise through natural processes or classical breeding methods (including cross-breeding and random mutagenesis) to be placed on the same legal footing as classically bred plants and to be exempt from GMO regulation. The reasoning is (shared by numerous scientific institutions such as the ZKBS and the EFSA), that such NGT-1 plants do not pose an increased risk compared to classically bred plants.

The French Agency for the Environment, Food Safety and Occupational Health and Safety (ANSES) has published a comprehensive report in this context, its findings being in line with the assessments of the European Food Safety Authority (EFSA) and the Central Commission for Biosafety (CCBS). The WGG also agrees with ANSES that any mutation can lead to a safety risk for the respective plant. Unfortunately, the ANSES report does not mention one important fact which should be added: this potential risk applies to all plants, regardless of

whether they are naturally growing, conventionally bred or created using new genomic techniques. Against this background, the ANSES report does not provide any new findings regarding NGT-1 plants that would justify waiting for a newly requested EFSA opinion before taking further steps.

Labelling: Information on the production of food is a guaranteed right of consumers. The Commission's proposal fulfils this right by introducing an identification number in the register. Mandatory labelling is linked to legally secured proof of genetic modification. According to the current state of scientific knowledge, it is certainly possible to prove the presence of individual mutations, but not how they came about. It is not yet possible to differentiate whether the mutation arose naturally, through induced random mutagenesis or by new genomic techniques. It is certainly to be welcomed that the Commission has just approved two research projects on that matter (DARWIN and DETETIVE). However, the first results can be expected earliest in two years from now.

In the interests of sustainability-oriented agriculture, which must also meet the requirements of rapidly advancing climate change to secure harvesting yields, but also with prospect to maintain Europe as a centre of research, we appeal to you to vote in favour of an evidence-based regulation for new genomic techniques in the EU. Because one thing is certain: there is not much time left to adapt plant breeding to the pace of global challenges

Thank you for your interest and for your work.

Yours sincerely

Prof. Dr. Klaus-Dieter Jany

1. Chairman

[1] https://www.europarl.europa.eu/doceo/document/TA-9-2024-0067_DE.html

[2] <https://www.dfg.de/de/service/presse/pressemitteilungen/2023/pressemitteilung-nr-48>

[3] https://www.zkbs-online.de/ZKBS/SharedDocs/Downloads/Kommentare%20als%20PDF/Stell%20zu%20NGT,%20EU%20Vorschlag_EN.html?nn=14677668

[4] <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2020.6299>

<https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2021.6301>

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<https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2022.7618>

[5] <https://www.anses.fr/en/content/ntg-en>