

# Proposal on new genomic techniques

*Published by AGRINFO on 27 Jul 2023; Revised 14 Feb 2024*

Proposal for a Regulation on plants obtained by certain new genomic techniques

Annexes to the Proposal

## What is changing and why?

In 2001 the EU established rules for genetically modified organisms (GMOs) (Directive [2001/18/EC](#)). Since then, new genomic techniques (NGTs) have been developed, which the European Commission believes can benefit farmers, consumers, and the environment. However, the current rules make it challenging for products from these NGTs to enter the EU market. So the European Commission is proposing new rules specifically for NGT plants and products. In January 2024, the European Parliament agreed its negotiating position on the Commission's proposal. The Parliament's proposals are included in italics below.

The next step is for the Council of the EU (Member States) to agree a common position on this proposal before starting negotiations with the European Parliament on the final text. However, at a meeting of Member States on 7 February 2024, no agreement could be reached; the main points of discussions were about whether non-GMO NGT plants may be patented, and the potential impacts of NGTs on organic production ([Euractiv 2024](#)).

Under the Commission's proposal, there are two categories of NGT plants/products.

### Category 1

These NGT plants/products are considered equivalent to those produced through regular breeding, and are not classified as GMOs. So they do not have to follow the general GMO rules (Directive [2001/18/EC](#) and Regulation [1830/2003](#)). For non-EU suppliers, these products can be brought to the EU market similarly to conventional products. They only need to be notified/verified by the EU (but not risk assessed) before being introduced to the market. Specific labelling and traceability are not required.

### Category 2

These NGT plants/products are not equivalent to those produced by conventional breeding. They must undergo risk assessment and authorisation under the existing GMO rules.

Annex I of the proposed Regulation contains criteria to determine whether NGT plants can be seen as equivalent to those produced by conventional breeding.

*European Parliament position: The European Parliament agrees to this overall approach.*

## Organic production

GMO crops or products may not be produced in organic production. The Commission proposes that even though category 1 NGT plants are equivalent to conventional products, they should still be prohibited in organic production.

*European Parliament position: To prevent economic damage to organic production, the presence of category 1 NGT plants, where “adventitious or technically unavoidable”, should not prevent crops from being considered as organic.*

## Patents

The European Commission’s proposal did not include rules related to legal protection of NGT plants.

*European Parliament position: Category 1 NGT plants/products (those indistinguishable from conventional plants) may not benefit from patent protection.*

## Timeline

The Council of the EU (Member States) must agree a common position on this proposal before starting negotiations with the European Parliament. Continued disagreement in the Council raises doubts about negotiations being completed before the European Parliament elections in June 2024.

For more information see the [full record](#) on the AGRINFO website – where you can also view the latest [AGRINFO Update](#) newsletters and [search](#) the database.

**Disclaimer:** *Under no circumstances shall COLEAD be liable for any loss, damage, liability or expense incurred or suffered that is claimed to have resulted from the use of information available on this website or any link to external sites. The use of the website is at the user’s sole risk and responsibility. This information platform was created and maintained with the financial support of the European Union. Its contents do not, however, reflect the views of the European Union.*