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PARLIAMENT AND COUNCIL MUST SUSPEND CONSIDERATION OF THE PROPOSED NEW GMO DEREGULATION

At the end of 2023, two major events further called into question the proposal for new regulations on GMOs obtained using new genomic techniques (NGT):

- The French Health and Food Safety Agency (ANSES)¹ published an opinion stating that the criteria for defining GMOs to be excluded from all assessment, labelling and traceability, (known as NGT 1), are not based on any scientific justification and that the lack of clarity will make it impossible to verify this categorisation.

- The Council of the EU failed to reach any consensus on the text, with the main stumbling block being the issue of patents covering all these NGTs. Faced with this impasse, the Council and the European Parliament's Agriculture Committee are proposing a ban on the patentability of these GMOs, which in practical terms is unenforceable under current patent law.

No official European agency has been asked to give an opinion on the scientific relevance of the Commission's proposal. Only ANSES has looked into the matter, on its own initiative, and has issued an opinion that totally calls into question the scientific basis of this proposal, despite claims it is “based on science”. The Parliament and Council cannot adopt a law that goes against scientific opinion and, what’s more, unworkable in practice. They must therefore demand a clarification of this scientific controversy before resuming their work.

Furthermore, while the Member States of the European Union may wish to ban the patentability of GMOs obtained using NTGs, the ability to call into question the European Patent Convention or the rules for its application lies beyond the European Union, as this is defined by the European Patent Office, to which non-EU countries belong. According to this Convention, NGTs are unquestionably patentable processes, and the scope of a patent relating to a process extends to all products resulting from the use of that process. The only unanimous decision and proposed solution of the European Council – to prohibit the patentability of these GMOs – is therefore quite simply inapplicable according to both European patent law and the EU’s international commitments. This solution is a mere illusion, and in no way addresses the legitimate concerns of small-scale farmers² and of small and medium-sized European seed companies about the potential spread of patented and untraced GMOs in the EU.

ECVC therefore calls on the European Parliament and the European Council to suspend their examination of the GMO-NTG deregulation proposal until these two key issues have been resolved.

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¹ ANSES opinion (2023), only available in French. For more information, please consult the English translation of the conclusions of ANSES opinion.
² ECVC (2023), European Commission proposal on new GMOs, towards the appropriation of all seeds by the patents of a few multinationals.