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NOTE

From:	Presidency
To:	Delegations
Subject:	Ministerial lunch – New genomic techniques for plants

Delegations will find in annex a background note prepared by the Presidency for the lunch discussion on the above-mentioned subject at the Agriculture and Fisheries Council on 25 April 2023.

ANNEX

Ministerial lunch: New genomic techniques for plants

Legislation of plants produced by new genomic techniques

The Council requested the European Commission (EC) to submit a study in light of the Court of Justice's judgment in Case C-528/16 regarding the status of novel genomic techniques under Union law. As a response, the EC presented a study on the status of new genomic techniques on the 29th of April 2021. The EC concluded that the current regulatory system is not fit for purpose for plants produced by some of the new genomic techniques. Moreover, the European Food Safety Authority (EFSA) has concluded that such plants could have the same risk profile as plants produced with conventional breeding. Based on the outcome of the study, the EC is expected to prepare a new legislation on plants obtained by targeted mutagenesis and cisgenesis, accompanied by an impact assessment. The initiative would also cover food and feed derived from such plants. The EC has announced plans to present the proposal in June 2023. During the Swedish Presidency, the issue was last discussed in the Environment Council on the 16th of March. The Swedish Presidency therefore consider it beneficial to have an informal discussion on the topic in view of the upcoming proposal from the Commission.

New genomic techniques

The EC study concluded that plants obtained from new genomic techniques (NGTs) have the potential to contribute to the objectives of the European Green Deal and in particular to the Farm to Fork and Biodiversity Strategies and the United Nations' Sustainable Development Goals (SDGs) for a more resilient and sustainable agri-food system. Examples of potential benefits include plants more resistant to pests, diseases and environmental conditions or to the effects of climate change (e.g. droughts), or requiring less natural resources and fertilisers as well as accelerating the process of reducing dependency on pesticides. The study confirmed that the current regulatory system involves implementation and enforcement challenges in the EU, relating in particular to the detection and traceability of NGT products that contain no foreign genetic material. The study concludes that this in turn, together with globally different regulatory oversight, could lead to the creation of technical barriers to trade, potentially leading to disputes between the EU and its trade partners. Regulatory barriers would particularly affect small and medium-sized enterprises (SMEs). Plant applications of NGTs have developed rapidly in many parts of the world and are expected to continue to do so on a global scale. Some applications are already on the market outside the EU and this trend is likely to continue.

Discussion questions:

1. ***How could new genomic techniques contribute to a sustainable and robust food system? What needs to be done or put in place in order for this to be possible?***
2. ***How do we ensure EU competitiveness on the global plant production market, considering the rapid technological advances, such as new genomic techniques and other new plant breeding techniques?***