



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food Safety, Sustainability, and Innovation
Biotechnology

Brussels
SANTE.E3/IC/nn (2023)1262772

Dear Ms Åhnberg,

Subject: Comments on upcoming proposal on legislation for NGT plants

Thank you for your letter and memorandum of 19 January 2023⁽¹⁾, related to the ongoing policy initiative on plants produced by new genomic techniques (NGTs) and complementing the information you have provided earlier in the process.

In your letter, you outline the challenges of potato breeding and the opportunities that NGTs can provide in this field for various aspects such as enhanced disease resistance, higher resilience (to abiotic stresses), and improved characteristics (starch quality, sugar content). You note that the application of the current GMO legislation is burdensome and costly for small companies, which play an important role in potato breeding. You also state that products that are equivalent to traditionally bred crops should have a simplified decision-making process for approval. On labelling, you consider that it should provide information that is necessary for the consumer and you present some consequences of mandatory labelling for NGT products in the agri-food chain.

Let me first confirm that we share your views on the potential of these techniques to contribute to increased sustainability and greater consumer's benefits ⁽²⁾ and this was one of the reasons for the Commission to initiate a policy action on plants derived from NGTs. In this context, the ongoing impact assessment for a legislation on plants produced by certain NGTs is assessing various policy options that reflect the full range of views received as feedback to the inception impact assessment. This goes from a scenario of no policy change, i.e. maintain the GMO legislation as it stands today for products under the scope of the initiative, an option of adapting risk assessment to levels of risk to ensure proportionality, to an option whereby some products obtained by NGTs in the scope of the initiative (those that could also be obtained naturally or by conventional

⁽¹⁾ Our reference Ares(2023)427900

⁽²⁾ Commission Staff Working Document - Study on the status of new genomic techniques under Union law and in light of the Court of Justice ruling in Case C-528/16.
https://food.ec.europa.eu/system/files/2021-04/gmo_mod-bio_ngt_eu-study.pdf

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breeding) would be treated similarly to conventional plants, while remaining subject to regulatory oversight through a notification procedure to verify their status.

Through the work of an external contractor, the Commission has gathered available evidence and stakeholder views through various means including public and targeted consultations, and is assessing potential positive or negative impacts of this whole range of approaches, including on small and medium enterprises and in relation to labelling. This assessment takes into account the wide range of views on the matter, including those that you have presented in your letter and memorandum and that are shared by other stakeholders.

The Commission is committed to act in this field and has indicated in its 2023 work programme that a legislative proposal on plants obtained by certain NGTs, if appropriate in view of the outcome of the impact assessment, is scheduled for the second quarter of 2023. We take note of your support to the initiative and encourage you to continue engaging in open and constructive dialogues on the matter in the next steps of the process.

Yours sincerely,

Irene SACRISTAN SANCHEZ
Head of Unit