



**Open Letter to Members of the European Parliament's
Committee on the Environment, Climate and Food Safety (ENVI),
Regarding the compromise proposal for the Regulation of New Genomic Techniques
(NGT)**

Paris, Hannover, Neustadt an der Weinstraße, and Karlsruhe, 15 May 2026

Dear Member of Parliament,

At the Foreign Affairs meeting of the EU Council on 21 April 2026, a qualified majority of EU Member States voted formally, without any amendment, in favor of the compromise proposal reached on 4 December 2025, regarding the proposed NGT Regulation.

The four undersigned associations, AFBV (Association Française des Biotechnologies Végétales), FGV (Forum Grüne Vernunft), GfPB (Gesellschaft für Pflanzenbiotechnologie e.V.) and WGG (Wissenschaftskreis Genomik und Gentechnik e.V.), previously sent you an open letter dated 12 January 2026 asking you to vote in favor of the compromise proposal as quickly as possible, with the knowledge that it will only come into effect two years following final adoption. In that letter, we stressed that accelerating climate change and growing global instability make varietal innovation — to which NGTs can contribute significantly — an absolute emergency for EU plant breeders, researchers and SMEs. Once the Regulation enters into force, the Commission will still need to develop and agree on guidelines, while competent authorities responsible for variety registration must be prepared to evaluate and register NGT-derived varieties as swiftly as possible. It will be two years before breeders and researchers can evaluate verified NGT-1 plants and derived varieties under field conditions at reduced cost. Meanwhile, NGT use is accelerating and diversifying outside Europe — including in major cultivated species. EU-SAGE data show that over 50% of peer-reviewed studies on NGT-derived traits originate from China, followed by the United States at 19%, with the EU at 15%.

A green light for the EU is absolutely needed now, as further delays will only harm the EU agrifood sector's competitiveness and capacity to innovate.

On 4 May 2026, several members of the European Parliament decided to table amendments to the Trilogue-agreed text, notwithstanding the multi-year delays the approval of such amendments would cause for EU plant breeders, researchers and SMEs. According to these amendments, the compromise proposal does not adequately protect SMEs, farmers and consumers on intellectual property and transparency issues because it does not

1. guarantee equitable access to patented plant biological material via platforms certified by the European Commission and in which NGT producers would be obligated to participate;
2. prohibit granted patents on what nature already produces;
3. protect farmers against any risk of unjustified (patent) prosecution; and finally
4. provide sufficient traceability and transparency for NGT-1 products.

We urge you today not to support any such amendments because they are unnecessary, for the following reasons:

1. **Solutions to favor equitable access to patented plant biological material and protection of SMEs against possible adverse effects of patented NGT traits are fully included in the compromise proposal.** See 10 April 2026 Statement of the Commission, ST-7616-2026-ADD-1 (pages 7-8, a short extract from which is in the quote at the bottom of page 3 of this letter), and [https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_euop/enne/com/2026/0151/COM_COM\(2026\)0151_EN.pdf](https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_euop/enne/com/2026/0151/COM_COM(2026)0151_EN.pdf)
2. **Protection against patenting of traits produced by nature already exists.** Since 1 July 2017, plant traits resulting from essentially biological processes of crossing and selection are not patentable (EPO Rule 28(2)). Patents filed before that date may still be pending and even be granted by the EPO (as of October 2025 there are fewer than 70 such proceedings still pending at EPO), but they are bound to disappear over time. Genes and plants obtained through technical processes, such as induced random mutagenesis or targeted mutagenesis, are patentable if they meet the criteria for patentability. At the same time, as explained in the following point, a disclaimer clause was introduced through an EPO guideline.
3. **Farmers are protected from unjustified patent prosecution** in two ways:
 - a. They benefit from the farmer's privilege under Article 11.1 of Directive 98/44/EC, which allows farmers to re-sow patented plant reproductive material from their own harvest under specified conditions.
 - b. They benefit from a disclaimer clause introduced through an EPO guideline which provides that if a person obtains a variety carrying a gene and a trait obtained by essentially biological processes, it may be used freely, even if a patent has been granted for the same gene or trait obtained by non-essentially biological means. The disclaimer must be included by the applicant in the granted claims, otherwise the patent cannot be granted.
4. **Farmers are already protected against liability for the accidental or incidental presence of patented NGT plant material in their fields or products.**

The compromise text's Recital 65 explicitly addresses this scenario, recognising that unintentional cross-pollination is not comparable to the deliberate use of patented non-self-reproducing products, and referring to the proportionality framework of Directive 2004/48/EC, which governs enforcement of intellectual property rights and requires that measures be proportionate and avoid barriers to legitimate agricultural activity. The Commission's 10 April 2026 statement further confirms its commitment to clarifying these provisions. An additional article reversing the burden of proof, as proposed by certain amendments, is therefore redundant and risks creating legal uncertainty by introducing a sector-specific rule that conflicts with the existing IP enforcement framework.
5. **The compromise already provides, for NGT-1 plants, a level of transparency and documentation that exceeds what is required for any comparable category of plant product.**

The public Commission database (Article 9) records, for each verified NGT-1 plant, the identity of the requester, the technique used, the traits introduced or modified, the

EFSA opinion where applicable, the verification decision, and full patent and licensing information. Mandatory labelling of plant reproductive material (“PRM”) as “Category 1 NGT” is required in variety catalogues and all PRM marketing documentation (Article 10), giving any operator who wishes to maintain an NGT-free supply chain the means to do so at the point where identification is technically meaningful — namely, the seed. By contrast, varieties produced by decades of induced random mutagenesis, which introduce thousands of uncharacterised genomic changes, carry none of these transparency obligations. A demand for full supply-chain documentary traceability extending to final food products would be scientifically unworkable for NGT-1: by regulatory definition, NGT-1 modifications are equivalent to those arising from conventional breeding or spontaneous mutation. Detection methods may be developed for some NGT-1 modifications, but no validated analytical method can be expected to reliably discriminate between an NGT-derived mutation and an identical spontaneous or conventionally-induced mutation – and for many NGT-1 modifications, this will fundamentally never be possible, making documentary traceability beyond the seed stage legally unenforceable for many NGT-1 products. Traceability without verifiable detection is not traceability — it is an unenforceable paper obligation that would impose costs on operators without delivering the transparency its proponents seek, and penalise NGT-1 plants more severely than mutagenesis-derived varieties that have been on the market for decades without any such requirement.

The EU Commission is well aware of the concerns raised by certain MEPs which are mentioned above. In relation to the patentability and farmer protection concerns mentioned above, the Commission indicated in its 10 April statement, going beyond the specific commitments of the compromise text, that

“the Commission will consider the appropriateness of updating or supplementing its interpretative notice 2016/C 411/03 on certain articles of Directive 98/44/EC on the legal protection of biotechnological inventions. In particular, the Commission will assess whether it would be appropriate and legally feasible to further precise and clarify the patentability criteria for inventions relating to plant genetic information, the concept of essentially biological processes and the conditions for compulsory cross-licensing set out in Article 12 of that Directive, without prejudice to the legal framework provided for in the Directive and in full compliance with the international commitments of the EU.”

Finally, we are aware that some amendments propose excluding from NGT-1 status any plant with the potential to persist, reproduce or spread in the environment, and introducing a withdrawal mechanism for NGT-1 authorisations if new risks emerge. NGT-1 status is already denied to plants exhibiting herbicide tolerance or the production of insecticidal substances — precisely the traits most likely to raise environmental persistence concerns — so the proposed exclusion addresses a risk the regulation has already accounted for. Other environmental risks are no different from those presented by conventionally bred varieties and are already addressed through the existing variety registration framework and general food law safeguard clauses, which apply to all plant varieties regardless of breeding method. A separate



withdrawal mechanism specific to NGT-1 would create regulatory asymmetry unjustified by any difference in risk profile compared to conventionally bred varieties carrying the same traits.

In conclusion, there is no reason at this time to justify any further modification of the NGT Regulation proposal, as modified by the Trilogue agreed compromise. We urge you therefore to vote in its favor.

Thank you for your kind consideration.

Respectfully,

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