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/		VARIO/AW/143.2024	/
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Re: Advisory letter on the EU draft regulation on new genomic techniques

Dear Members of the European Parliament,

In the context of the Belgian EU Presidency, VARIO would like to once again draw your attention to its advisory report on the 'EU draft regulation on new genomic techniques'.

The present EU legislative proposal (dated July 5, 2023) proposes a relaxation of the GMO regulation for plants and (mainly food-related) genetically modified organisms, which are obtained via New Genomic Techniques (NGTs), such as CRISPR-Cas.

VARIO believes that an adjustment to the current strict GMO regulation is urgently needed and welcomes any improvement. Partly because of this, there is no level playing field between Europe and the rest of the world. Europe and Flanders in particular, the cradle of plant biotechnology and genetic modification, have missed and continues to miss many opportunities in terms of economic and innovation potential. Strict European regulations have made and continue to make valorization of this scientific excellence very difficult, with our knowledge often disappearing abroad.

VARIO even encourages the European legislator to take new regulations (in this area) to a higher level in the future and to apply the innovation principle², making legislation future-proof and ensuring legal certainty. The advisory council can, however, agree with the legislative proposal of the European

¹ [VARIO ADVIES NR 32: EU-ontwerpverordening - Nieuwe genbewerkingstechnieken](#)

² [ec_rtd_factsheet-innovation-principle.pdf \(europa.eu\)](#)

Commission (dated 5 July 2023), but in order to ensure maximum legal certainty, it requests a preliminary thorough revision of Annex 1.

The draft regulation is currently going through the various bodies of the EU 'legislative train'. Under the Spanish Presidency, the Council of the EU has not reached a consensus. Discussions will continue under the Belgian presidency.

Within the European Parliament, a consensus text is up for vote in which amendments have been added regarding the complete exclusion of patentability of NGT plants, both category 1 and 2. This while the EU legislative proposal (dated 5 July 2023) only concerns the release and placing on the market of NGT plants, but does not regulate issues of intellectual property.

"The European Commission acknowledges³ that it is important to calibrate a balanced framework which supports farmers' and breeders' access to patented techniques and material, promotes seed diversity at affordable prices and safeguards breeding and cultivation of unpatented conventional and organic crops, while also strongly encouraging innovation in plant breeding by preserving investment incentives such as patents. Therefore, as part of a broader market analysis, the European Commission will examine what impact the patenting of plants and related licensing and transparency practices may have on innovation in plant breeding. It will also assess their impact on breeders' access to genetic material and techniques, on availability of seeds to farmers and on the overall competitiveness of the EU biotech industry."

VARIO asks, based on its science, innovation and entrepreneurship competency, to indeed keep patenting outside the scope of the EU legislative proposal. In addition, the council urges the effective implementation of the in-depth analysis as proposed by the European Commission and described above.

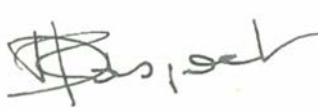
Given this disturbing evolution within the EU bodies, VARIO calls on the Flemish and federal governments and the Flemish Members of the European Parliament to make maximum use of the Belgian EU presidency to safeguard the opportunities for innovation and valorization of these new genomic techniques.

VARIO is available for further comment and debate,

With kind regards,


Danielle Raspoet

Director



Lieven Danneels

Chairman



³ [Q&A: Proposal on New Genomic Techniques \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/infographic/infographic-2023-07-05-01.pdf)