National signatories are listed at the bottom of the declaration

Joint statement

Brussels, 19 June 2025

OBLIGATION FOR DETECTION AND IDENTIFICATION METHODS OF GMO-NGTS

More than 40 organisations demand the publication of detection and identification methods to protect farmers, consumers and small and medium size breeders from the risks associated with the release of GMO-NGTs

Traceability, labelling, and the obligation to publish detection and identification methods[1] are essential but missing aspects of the Commission's proposal on GMOs obtained with new genomic techniques (GMO-NGTs), currently being discussed by the European Parliament and Council in trilogue. **However, their importance has been highlighted by Member States, which recognize in the position of the Council from February 2025 that analytical methods allowing the detection and identification of GMO-NGTs (categories 1 and 2) should be provided by the applicant[2].**

The European Commission claims that GMO-NGTs cannot be detected and identified[3], using this to justify the lack of traceability. However, this position of the Council recognizes that analytical methods can and should be provided by the applicant. Indeed, GMO-NGTs are all covered by patents, and patent-holding companies have all the information they need to identify patented genetic modification and products, so that they can trace any infringement of their patented invention. **Therefore, the stake lies in making any authorisation for release conditional on the publication of this information by the applicant and the competent authorities, as well as the deposit of a sample of reference material.** Moreover, several studies show that detection, identification of genetic modifications obtained by NGTs is technically feasible[4]. **The main obstacle to the development of detection protocols is therefore not technical, but political.**

In addition, the Parliament's position requires that GMO-NGTs be traced and labelled for a post-marketing environmental monitoring[5], which is a step in the right direction. However, detection

[1] Detection refers to "*the 'finding' of a specific target sequence* [...], *without necessarily being specific for the genetically modified (GM) event*". Identification refers to "*the possibility to unequivocally allocate the detected sequence to a specific GM event*", i.e. to identify that the sequence has been obtained by certain genetic modification techniques (European Network of GMO Laboratories (ENGL), 2023, Detection of food and feed plant products obtained by targeted mutagenesis and cisgenesis).

[2] Recital 28 of the Council's position.

[3] This claim is based on the grounds that traits obtained by NGTs are described as 'similar' to native traits or traits obtained by conventional breeding. However, GMO-NGTs also contain numerous so-called "off-target" genetic and/or epigenetic modifications and are therefore never identical to organisms obtained by conventional breeding.

[4] See, among other : Yves Bertheau (2022) Advances in identifying GM plants: toward the routine detection of 'hidden' and 'new' GMOs

[5] Amendments 264, 265 and 260 of the Parliament's position. However, it does not include environmental monitoring in article 6, which should be the case to be consistent with amendment 260.

and identification methods are necessary to support document-based traceability and labelling, as well as to enable GMO-free conventional and organic operators to identify any contamination of their products, for the authorities to control the compliance with the obligations set out in the regulation.

In consideration of these elements, the signatories of this statement, which includes more than 40 organisations representing small-scale farmers, plant breeders, beekeepers, the organic and biodynamic sector, as well as organisations defending the environment, citizens' rights and agrobiodiversity, reiterate the need to make the publication of these analytical detection and identification methods compulsory, as well as the deposit of reference material, as they are absolutely necessary to :

Protect farmers, seed producers and food chain operators from patent risks

The publication of detection and identification methods is essential to protect farmers, traditional seed producers and food sector operators against the risks associated with patents, resulting from the proposal for a new regulation of GMO-NGTs. The detection and identification of genetic modifications obtained by NGTs is the only tool available that farmers, small and medium sized seed producers and other operators can use if they are unfairly prosecuted for patent infringement covering a trait obtained with NGTs but described as similar to a 'native' trait. This abusive extension of the scope of patents to cover plants and native traits of peasant and traditional seeds is indeed made possible by the current provisions of EU patent law (Articles 8 and 9 of Directive 98/44/EC, which were adopted before the emergence of NGTs)[6];

Furthermore, there is a lack of transparency on intellectual property rights and breeding processes on seed labels and official catalogues, leaving farmers and **small and medium size** breeders in the dark on whether the seeds and products derived thereof are covered by one or more patents.

Without the publication of detection and identification methods, it will be impossible for them to prove that they have not used patented seeds or products. Small-scale farmers, small and medium size breeders or other operators are not able to sequence their seeds or products to determine whether they contain genetic sequences and traits covered by patents. The economic risks for farmers, small seed companies and other operators are extremely high: they run the risk of having their crops, seeds and products seized under the pretext of patent infringement and, ultimately, of losing their livelihood if their economic model depends on the seeds, products or traits targeted by legal action. In the absence of such publication, the handful of multinational companies that already hold the majority of patents on NGTs will rapidly control the entire food chain, from seed to consumer products.

Protect the GMO-free sector

Detection and identification are also essential to guarantee GMO-free sectors, including conventional and organic farming, their freedom of producing without GMO-NGTs, as well as to be able to authenticate document-based traceability and verify their production integrity (i.e. absence of GMO-NGTs), and eventually to control risks and damages that could arise from accidental contamination, as well as to obtain compensation in case of economic loss.

[6] For more information, see ECVC publication (2025) New patented GMOs, Seed marketing reform, an attack on peasant agriculture in Europe.

As stated in a recent report by the European Non-GMO Industry Association (ENGA), mandatory detection methods for NGT1 plants would be a major relief for the European food sector. For the Conventional and organic GMO-free producers, it would be essential to have another option in addition to traceability, to guarantee that their products are GMO-free.

Protect consumers and the environment in case of damages caused by GMO-NGTs

The same applies to possible damage to human health and the environment arising post-marketing and release of GMO-NGTs: how will we be able to withdraw products from the market, fields and environment if we do not have regulatory protocols to identify them? We are therefore considering potential irreversible damages in the event of unintended interaction between a NTG-derived trait and wild species, or of unanticipated impact on human health.

Ensure compliance

Finally, analytical methods and protocols are necessary to ensure compliance. On the one hand, there is a necessity to develop screening methods[7], as currently done for transgenic GMOs, in order for laboratories to be able to detect potentially undeclared GMO-NGTs. On the other hand, the draft regulation also introduces provisions without giving itself the means to control if they are being fully respected, or to detect any fraud attempt.

To conclude, documentary traceability is certainly an important component of traceability for the organic and GMO-free sectors and other quality schemes, and we therefore support its inclusion in the GMO-NGTs proposal, as supported by the European Parliament position. **However, document-based traceability does not solve the mentioned problems related to patents on NGTs, co-existence, compliance and the potential need to withdraw products and control damage if NGTs were found to be harmful to human health and/or the environment.**

Detection and identification of GMO-NGTs is feasible, on the condition that the applicant be required to provide all the relevant data and material, and that the EU urgently invests in research on this issue. Two EU-research programmes on detection[8] are actually ongoing, it would therefore be premature to claim that GMO-NGTs cannot be detected and identified, while we are still waiting for the outcomes of these programmes.

Therefore, in light of the Council's stance on the need for the applicant to provide analytical methods, and to guarantee consumers' rights to information and freedom of choice, as well as farmers' rights on GMO-NGT-free seeds and economic viability, the signatories of this letter demand:

- **To maintain the current GMO legislation, whose provisions, including on the publication of detection and identification methods and deposit of reference material, have proven to be effective in protecting farmers, consumers and nature;**

[7] GMO screening refers to "*methods that target genetic elements common to various GMOs, with the aim to detect the presence of GMOs in a sample*" ((European Network of GMO Laboratories (ENGL), 2023, Detection of food and feed plant products obtained by targeted mutagenesis and cisgenesis).
[8] Darwin and Detective programmes.

- **That the European Commission develops regulatory protocols for the detection and identification of GMOs obtained with NGTs, as well as screening methods to identify potential undeclared GMO-NGTs;**
- **To ensure transparency for farmers and small and medium size breeders by clearly indicating on the seed label and in the catalogues whether the seeds are obtained by NGTs and whether they are covered by patents;**
- **To ensure the same transparency for consumers with a clear label on the product indicating "GMO produced/obtained by new genomic techniques".**

List of signatories

<u>European or international organisations</u>

BeeLife European Beekeeping Coordination

Biodynamic Federation Demeter International

Corporate Europe Observatory

European Consortium on Organic Plant Breeding (ECO-PB)

European Coordination Via Campesina (ECVC)

Friends of the Earth Europe (FoEE)

Greenpeace European Unit

IFOAM Organics Europe

<u>National organisations</u>

Aegilops

Agorà degli Abitanti della Terra

AgroCert s.r.o.

Agrolink Association

Association Quinta das Aguias

Associazione Verdi Ambiente e Società

Beyond GM

Biodynamic Association of Denmark

Bio Austria

Bundesverband Naturkost Naturwaren (BNN) e.V.

Bund Ökologische Lebensmittelwirtschaft e.V. (BÖLW)

Centro Internazionale Crocevia

Confédération paysanne

Coordinamento zero OGM

Det Fælles Bedste

Égalité

EKOTREND Slovakia - Zväz ekologického poľnohospodárstva

Etologi.dk

Fédération Unie de Groupements d'Eleveurs et d'Agriculteurs (FUGEA)

Federazione Nazionale Pro Natura

FOBO Förbundet Organisk-Biologisk Odling

Gen-ethisches Netzwerk e.V.

GM Freeze

GMWatch

Magház Association

Miljøbevægelsen NOAH

Nature et Progès

Natuurpunt VZW

ÖBV - Via Campesina Austria

OGM dangers

OZ Vidiecky parlament na Slovensku

Permakultur Danmark

POLLINIS

Sow Diverse

Synabio

Stichting Zaadgoed

Vereenegung fir Biolandwirtschaft Lëtzebuerg a.s.b.l.

Vidiecka platforma

Vitale Rassen

Zväz výrobcov krmív, skladovateľov a obchodných spoločností