

Mr Czesław Siekierski  
Minister of Agriculture and Rural Development  
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By email only

Brussels, 19 December 2024

## **Polish EU Presidency – Need to defend EU model of farming**

Dear Minister,

We are writing to express our support for your clear stance in defence of Europe's farmers and seed breeders, and to present our demands for the upcoming negotiations on the NGT proposal.

We fully agree with your opposition against the EU-Mercosur trade agreement. We also support your strong stance against patents on seeds, which threaten the work and existence of small and medium-sized seed breeders and limit the range of seeds available to farmers.

However, multinational companies such as Corteva, Bayer-Monsanto or Chem China/Syngenta will not renounce patents on their genetically modified (GM) seeds. The only way to avoid a steep increase in patented seed is to keep all GM plants, including those engineered with new genomic techniques (NGT), regulated as GMOs.

**Technically and legally, NGT plants are GMOs.** NGT plants are the result of genetic engineering and their genetic make-up usually differs from that of conventionally bred plants.<sup>1</sup> In addition, the engineering process is prone to genetic errors that can give rise to health and environmental risks.<sup>2</sup>

The European Commission acknowledges that organisms produced by NGTs are GMOs.<sup>3</sup> With its proposal, it attempts to exclude most NGT plants from the requirements of EU GMO law, based on questionable criteria of equivalence with conventionally bred plants.<sup>4</sup>

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<sup>1</sup> [https://www.testbiotech.org/wp-content/uploads/2023/12/Differences\\_crispr\\_mutagenesis\\_august\\_2023.pdf](https://www.testbiotech.org/wp-content/uploads/2023/12/Differences_crispr_mutagenesis_august_2023.pdf)

<sup>2</sup> <https://www.frontiersin.org/journals/bioengineering-and-biotechnology/articles/10.3389/fbioe.2023.1276226/full>

<sup>3</sup> [https://food.ec.europa.eu/plants/genetically-modified-organisms/new-techniques-biotechnology/ec-study-new-genomic-techniques/questions-and-answers\\_en](https://food.ec.europa.eu/plants/genetically-modified-organisms/new-techniques-biotechnology/ec-study-new-genomic-techniques/questions-and-answers_en)

<sup>4</sup> <https://bfm.bsz-bw.de/frontdoor/deliver/index/docId/1754/file/pol241en.pdf>

As it stands, the proposal is incompatible with core EU principles of health and environmental protection as well as farmers' and consumers' rights.<sup>5</sup> It needs to be completed with these essential legal requirements:

- **Labelling:** Consumers want to know what they are buying and what they eat. In an EU-wide survey of 2021, around 68% of respondents who had heard about new GM techniques such as CRISPR/Cas wanted the products derived from those techniques labelled. Only 3% felt these products should be exempted from GMO safety testing and labelling. In Poland, this was 55% and 2%, respectively.<sup>6</sup>
- **Traceability:** To support consumer labelling, a document-based traceability system is needed. Such systems exist today to inform consumers about the method or place of production (e.g. organic labelling, labelling of eggs, origin labelling).
- **Detection and identification methods:** Detection and identification methods are necessary to protect farmers and seed companies against patent abuse. They are also required for post-marketing monitoring and the possibility to withdraw NGT plants in the event of health, environmental or economic damage.<sup>7</sup> Already today, it is possible to develop laboratory methods for the detection and identification of NGT plants if the DNA changes are known.<sup>8</sup> Two EU research projects, DARWIN and DETECTIVE, are underway to further support the detection, identification and quantification of NGT plants. Developers of both NGT1 and NGT2 plants should be required to develop and publish their methods.
- **Coexistence and liability rules:** To safeguard GMO-free production, effective rules are needed throughout the EU to prevent contamination of GMO-free seeds, harvests and food. EU-wide liability rules should be introduced to hold those responsible who cause economic, ecological and health damage.
- **Opt-out:** National and regional governments should be able to opt out from NGT cultivation.<sup>9</sup> This has been suggested by some EU member states in order to strengthen national sovereignty over food, farming and environmental protection. We would like to emphasise that mandatory traceability and labelling are a prerequisite for such an opt-out.
- **Risk assessment:** We ask you not to ignore warnings from scientists that NGT plants can carry risks for the environment and human health. French agency ANSES has proposed an adapted, case-by-case assessment taking into account the technique used and the characteristics of the plant obtained.<sup>10</sup>

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<sup>5</sup> Regulation (EC) No 178/2002, Regulation (EC) No 1829/2003

<sup>6</sup> <https://www.greens-efa.eu/en/article/news/opinion-poll-on-the-labelling-of-gm-crops>

<sup>7</sup> Regulation (EC) No 1829/2003

<sup>8</sup> <https://www.mdpi.com/2304-8158/10/2/430>

<sup>9</sup> Directive (EU) 2015/412

<sup>10</sup> <https://www.anses.fr/en/content/ntg-en>

As regards the **patentability of NGT plants**, a new study from Germany, also published in Polish, shows it is difficult to conceive of a viable solutions to prevent patents within the proposed regulation on NGT plants.<sup>11</sup> At the same time, it would be irresponsible to approve the NGT proposal without resolving this central issue!

Our organisations strongly believe in the diversity of Europe's breeding and farming sector and its enormous potential to contribute to innovation and adaptation to future challenges. A weakening of our current GMO legislation, as envisaged with the NGT proposal, would severely threaten this. Therefore, we laud your efforts, Minister, to protect small and medium-sized breeders and farmers from unfair competition by large companies.

We ask you to defend the EU model of farming by making sure our EU legislation protects farmers and breeders against patented GM seeds and allows consumers to choose GMO-free food.

We wish you a productive EU Presidency.



Benedikt Haerlin, Director of Save Our Seeds

On behalf of

- Aegilops (Greece)
- Arbeitsgemeinschaft bäuerliche Landwirtschaft (Germany)
- Bund Ökologische Lebensmittelwirtschaft (Germany)
- Foll'avoine (France)
- France Nature Environnement (France)
- Friends of the Earth Europe (EU)
- Groupe International d'Etudes Transdisciplinaires (France)
- Instytut Spraw Obywatelskich (Poland)
- Plataforma Transgenicos Fora (Portugal)
- POLLINIS (France)
- Save Our Seeds (Germany)
- Sito Seeds (Greece)
- Synabio (France)

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<sup>11</sup> <https://martin-haeusling.eu/themen/agro-gentechnik/3174-online-roundtable-freier-zugang-zu-saatgut-fuer-ein-krisensicheres-ernaehrungssystem-warum-eine-reform-des-saatgutpatentrechts-entscheidend-ist.html>