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European Parliament

New genomic techniques: deal to support the green transition in farming

- Patents for new genomic techniques (NGTs) allowed but with safeguards to ensure affordability and fair access for farmers
- Focus on sustainability
- Several NGT products are already on the market outside the EU

The new rules will make the EU food system more secure and sustainable, with climate- and pest-resistant plants that give higher yields and require fewer fertilisers and pesticides.

On Wednesday night, Parliament and Council negotiators reached a provisional political agreement on the Commission proposal on new genomic techniques (NGTs) – techniques that alter the genetic material of an organism.

The co-legislators agreed to exempt NGT1 plants, i.e. plants that could also occur naturally or through conventional breeding, from most of the precautionary requirements of EU legislation on genetically modified organisms (GMOs), whereas NGT2 plants (all other NGT plants) will still be subject to these rules. The rules will apply to both plants originating in the EU and imported plants.

Criteria for NGT1 and NGT2 plants

The co-legislators agreed on criteria to determine what constitutes an NGT1 plant and, at Parliament's request, on an exclusionary list of intended traits, including known insecticidal effects and tolerance to herbicides, that are not allowed in NGT1 plants. To steer the use of NGTs towards the development of plants with sustainability features (e.g. climate and pest resistance), the co-legislators tasked the Commission and member states with monitoring the sustainability impacts of NGT plants, including with data obtained from official controls.

Press Service, Directorate General for Communication
European Parliament
Press switchboard number (32-2) 28 33000

Intellectual property rights and patents

The informal deal allows patents for NGTs, except for those traits or sequences occurring in nature or produced by biological means, while MEPs managed to insert safeguards to prevent market concentration, and to ensure affordability and fair access for farmers, so they retain the right to save and replant seeds.

To facilitate breeders' access to NGTs and to enhance the legal certainty and transparency of information relating to patents, the Commission will work with stakeholders to draw up an EU code of conduct on patents no later than 18 months after entry into force of this Regulation.

An important aim of the code of conduct will be to include the modalities for licensing of patents under fair and reasonable conditions and the amicable settlement of patent disputes involving breeders and farmers in case of unintentional minor presence of patented material in their fields.

If a Commission impact assessment reveals significant barriers to access patented NGTs, it will have to take suitable action, including further legislative measures to set-up mandatory conditions, if appropriate.

Traceability, labelling and opt-out for member states

The co-legislators agreed that plant varieties containing or derived from a NGT1 plant must be clearly indicated in all official databases and that all seed bags must be labelled NGT1, to allow farmers to make an informed choice. Full traceability and labelling will remain obligatory for NGT2s and EU countries may restrict or prohibit the cultivation of NGT2s after they have been authorised for cultivation in the EU in line with current rules on GMOs.

Organic plants

No NGTs will be allowed in organic production but the technically unavoidable presence of NGT1 plants would not constitute non-compliance. The Commission will assess whether this regulation creates any administrative, economic, or practical burdens for organic operators, including relating to their own perception and that of consumers.

Quote

After the agreement was reached, rapporteur Jessica Polfjärd (EPP, SE) said: "This is a historic day. The EU is taking its first step towards giving farmers access to new, Nobel Prize-winning technology. Technology that will allow them to grow crops that can withstand climate change and deliver higher yields on less land. This is crucial for strengthening our food security. Today's agreement is a breakthrough that boosts not only our farmers' competitiveness, but also Europe's position in research and innovation."

Next steps

The vote on the informal agreement must now be endorsed by both Parliament and Council in

second reading. It will then enter into force 20 days after it has been published in the EU Official Journal, and will apply two years later.

Background

The objective of the new rules is to make the food system more sustainable and resilient by developing and giving access to improved plant varieties that are climate- and pest-resistant, give higher yields, or require fewer fertilisers and pesticides. Several NGT products are already available on the market outside the EU, e.g. corn, wheat, and rice varieties that need less water, and bananas and mushrooms that do not go brown.

Further information

Procedure file
European Food Safety Authority: Overview of scientific opinions on the risk assessment of plants developed through New Genomic Techniques
EP research: “Plants produced using new genomic techniques”
EP research: Plants obtained by certain new genomic techniques (EN, FR, DE, ES, IT, PL)
Free photos, videos and audio material
Committee on the Environment, Climate and Food Safety

Contacts

Thomas HAAHR
Press Officer
(+32) 2 28 42976 (BXL)
(+33) 3 881 72033 (STR)
(+32) 470 88 09 87
thomas.haahr@europarl.europa.eu