



Civil Dialogue Group on Organic Farming
12 May 2023

IFOAM Organics Europe views on New Genomic Techniques

Organic supply chain integrity

- Organic movement wants to remain GMO-free, including from new GMOs derived from NGTs.
 - Freedom of choice also means the freedom not to use GMOs.
- Organic Supply Chain Integrity includes the trustworthiness and guarantee to consumers to produce GMO-free.
- The burden of ensuring GMO-free production should not fall on operators who do not wish to use NGTs.
- “Coexistence” = the possibility for organic and conventional farmers not to use NGTs, and to be protected from contamination (or “adventitious presence”).



Main pillars of the theoretical possibility of “coexistence”

- **Mandatory identification** of products obtained from NGTs and **traceability all along the production chain**, harmonised at EU level.
- **Mandatory requirement for Member States to conceive national/regional coexistence** measures, setting up **mandatory measures that clarify rights and responsibilities**.
 - Codes of practices, local cultivation registers, peer-review checks, rules on mixed-crop processing notification, separation distances, buffer zones, sowing times, precautionary measures, etc.
 - A **strict national liability regime and/or a compensation fund** to compensate farmers in case of unwanted adventitious presence of NGTs.



Components of functioning traceability

- **The usage of the 'unique identifier'** to identify products that contain or consist of GMOs, including NGTs from the first stage of the placing on the market and subsequently transmitted to the subsequent stages of the placing on the market
- A **declaration of use by the operator** in case products consisting of or containing mixtures of GMOs, accompanied by a list of the unique identifiers for all those GMOs that have been used to constitute the mixture.
- **Traceability requirements which apply to each food ingredients** which is produced from GMOs as well as all **feed materials or additives** produced from GMOs. In the case of products for which no list of ingredients exists, an indication that the product is produced from GMOs.
- **Traceability at all levels of the supply chain**
 - **Traceability is more than just transparency**
 - **A simple register of varieties, that could be accessed by breeders and farmers, would put the burden** of verifying GMO/NGT status on farmers and other operators, and **therefore not be sufficient**
 - A documentation-based audit trail is especially relevant for processors and retailers.



Impact on the EU organic regulation (2018/848)

- Article 11 (2018/848; 11.1-11.4) on the “Prohibition of the use of GMOs” directly refers to Directive 2001/18/EC, GM Food and Feed Regulation 1829/2003 and Regulation 1830/2003 on the traceability and labelling of GMOs.
- Any addition of certain NGTs to the current list of exemptions from legal requirements in Annex I B, or any new exemption from Directive 2001/18 based on other new criteria, **would *de facto* and automatically allow the use of these NGTs in organic production.**
- **Thus, the Commission would impose the use of NGTs to organic producers, without even providing them with the legal and technical means to identify products produced from or by these NGTs.**
- **This is not compliant with the organic principles** and demands from the organic movement and thus does not constitute a real solution.



False and Misleading Sustainability Claims

- Sustainability promises often still empty and misleading
- Current generation of GMOs has failed to deliver on reduced pesticide use promise
 - GMO Bt maize (insect resistant) in Spain - [corn borer](#) proves resistance and negative impact on non-target species
 - [JRC study 2021](#): 6 out of 16 current pre-commercial NGTs.
 - Pesticide resistance as the most common trait in NGTs Other NGTs deal with plant composition
- Few of the current commercialised or researched GMOs actually address sustainability issues
 - Requires modification of complex traits.
 - E.g. at least 60 genes associated with drought tolerance, which in turn depends on environmental conditions.
- Conventional breeding programmes allow for sustainability traits as well
- System perspective instead of individual traits



The future of European breeding and patent infringement claims

- European breeding innovation relies on lighter forms of intellectual property rights.
- Process patents can also cover products such as plants or cells, through [product-by-process claims](#).
 - E.g. Corteva holds patent EP 2893023 (CRISPR Technology used); One of the patent claims also covers all cells, seeds and plants containing the same introduced (i.e. non-native) genetic sequence, from a long list of crop species.
 - Patents on traits.
- Uncertainty for breeders: Patent infringement lawsuits and risk of further market concentration.
- Traceability is needed to protect against patent infringement claims



The Path Ahead

- Focus on resilient agroecology with systemic understanding of sustainability.
- Promises of expected benefits do not justify watering down EU standards on environmental protection and farmer and consumer choice.
- It is essential to maintain transparency and traceability as the basis of GMO-free agriculture, co-existence, and protection against patent infringement claims.

