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NOTE

From: General Secretariat of the Council
To: Council

Subject: New Techniques for Plant and Animal Breeding
- *Information from the German Delegation*

Delegations will find attached a note received from the German delegation on the above mentioned subject to be dealt with under "Any other business" at the meeting of the Council (Agriculture and Fisheries) on 22 October 2015.

**3418. Meeting of the Council (Agriculture and Fisheries)
on 22 October 2015 2015 in Luxemburg
“New Techniques for Plant and Animal Breeding”
– Information from the German Delegation**

1. In recent years, considerable progress has been made in the development and use of so called new techniques. That is why many new techniques are also being developed for the breeding of plants and animals. These techniques are expected to be applied increasingly in the future. This raises the important question as to whether the use of certain new techniques results in genetically modified organisms (GMOs) as defined by the EU GMO regulations.
2. The interpretation of the EU law on genetic modification can have far-reaching effects on the development and the use of new techniques. The effects depend on whether the products generated with a new technique are regarded as GMOs or not as GMOs. Effects relate to, inter alia, research, the breeding of plants and animals, the development and production of (animal) medicines and vaccines by using plants or animals, the competitive ability of breeders, the use of new techniques by small and medium-sized enterprises, and to agricultural trade with third countries. If the EU law on genetic modification is applicable in cases, where the use of a new technique is not identifiable in the final product, special traceability systems will be necessary in the EU as well as in third countries which export agricultural products to the EU. If the new techniques are not regarded as genetic modifications, it must be investigated, whether there is a need for regulation, if the products potentially constitute a risk for human health or the environment.
3. As regards the applicability of EU law on genetic engineering to products generated with new techniques, there are a range of different opinions expressed by legal experts.