



Brussels, 13 June 2025
(OR. en)

9879/25

Interinstitutional File:
2023/0226 (COD)

AGRI 249
AGRILEG 94
ENV 457
CODEC 753
PI 105

NOTE

From: Presidency
To: Delegations
Subject: AOB item for the meeting of the "Agriculture and Fisheries" Council of 23 and 24 June 2025:
Regulation on plants obtained by certain new genomic techniques and their food and feed products - state of play
– *Information from the Presidency*

Introduction

1. On 5 July 2023, the Commission adopted a legislative proposal for a Regulation of the European Parliament and of the Council on plants obtained by certain new genomic techniques (NGTs) and their food and feed products¹. The proposal was submitted to the Council on 6 July 2023.
2. The progress in the development of NGTs enables more targeted, precise and faster changes in the genetic characteristics of plants, as compared to conventional breeding techniques.
3. The proposal aims to enable the EU agri-food sector to contribute to the innovation and sustainability objectives of the European Green Deal and Farm to Fork and Biodiversity strategies, and to enhance the sector's competitiveness, while maintaining a high level of protection of health and of the environment.

¹ 11592/23 + ADD 1

4. The proposal is based on Articles 43, 114 and 168(4)(b) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
5. The European Parliament adopted its position at first reading on 24 April 2024².

State of play of work within the Council and its preparatory bodies

6. The Council worked on its mandate under Spanish, Belgian, Hungarian and Polish Presidencies.
7. The Polish Presidency focused on the impact of patenting practices, as this was considered the main outstanding issue at the beginning of its term. Basing its revisions on the text presented to the Permanent Representatives Committee on 7 February 2024 (the “February Compromise Text”)³, the Polish Presidency introduced further changes aiming to increase the level of transparency regarding patents on NGT plants, encourage licensing on equitable conditions, and assist operators in navigating the plant intellectual property landscape.
8. On 14 March 2025, the Permanent Representatives Committee agreed on the text presented by the Polish Presidency⁴, to be used as a mandate for negotiations with the European Parliament. The Presidency informed the Parliament about the Council’s readiness to enter into interinstitutional negotiations.

State of play of interinstitutional negotiations

9. The first political trilogue took place on 6 May 2025 on European Parliament premises in Strasbourg. The Parliament and the Council presented their respective mandates, and the Commission reacted to the main elements of both mandates. All institutions shared the sense of urgency to rapidly move forward with this file. The co-legislators agreed on giving a broad mandate to interinstitutional technical meetings (ITMs), with a view to discussing all parts of the proposal at technical level.

² 10952/24

³ 16714/23

⁴ 6426/25

10. The positions of the Parliament and the Council diverge on various elements of the proposal, most notably on the following:

– **Conditions to obtain category 1 NGT status**

Parliament and Council differ on the approach and thresholds set in the equivalence criteria, i.e. the type and extent of genetic modifications comparable to what is occurring naturally or in conventional breeding. Moreover, the Parliament seeks to limit category 1 NGT status to a limited positive list of “sustainability traits”, whereas the Council largely relies on the principle of equivalence only, with the sole exclusion of herbicide tolerance.

– **Traceability and labelling for category 1 NGT plants and products**

The Parliament envisages mandatory traceability and labelling of all category 1 NGT plants and products through the entire food chain. In contrast, the Council would oblige only the labelling of category 1 NGT plant reproductive material, which would address the concerns raised i.a. by the organic sector.

– **Opt-out from cultivation of category 2 NGT plants**

The Council wishes to maintain the status quo, which allows Member States to opt out from cultivation on their territories and to take measures to avoid the unintended presence in other products (“coexistence measures”). The Parliament would remove the opt-out but make coexistence measures obligatory.

– **Measures to address the impact of patents on NGT plants**

The Parliament would like to exclude all NGT plants from patentability and amend patent legislation in this regard. The Council aims to increase the level of transparency regarding patents on NGT plants, encourage licensing on equitable conditions, and assist operators in navigating the plant intellectual property landscape, without amendments to patent legislation.

11. A series of ten ITMs has been scheduled between the first and the second political trilogues. That second trilogue is planned for 30 June 2025 on Council premises. Its aim is to confirm compromises preliminarily agreed during ITMs, and to reach further compromises on the more sensitive points.
12. The Polish Presidency will consequently debrief the Permanent Representatives Committee on the outcome of the second political trilogue in the first days of July 2025 under Danish Presidency.

Conclusion

13. The Council is invited to take note of the state of play of the interinstitutional negotiations on the proposal.
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