



Position

Brussels

July 2012

ESA_12.0446.2

New Breeding Techniques –

ensuring Progress and Diversity in Plant Breeding

ESA is the voice of the European seed industry, representing those active in research, breeding, production and marketing of seeds of agricultural and ornamental plant species. It represents more than 30 national seed associations (and with that several thousand seed businesses in the EU, most of them SMEs) and more than 60 direct company members.

ESA's mission is to work for fair and proportionate regulation of the European seed industry, freedom of choice for customers in supplying seeds as a result of innovative, diverse technologies and production methods and for effective protection of intellectual property rights relating to plants and seed.

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In the light of rapid world population growth, climate change and increasing scarcity of resources such as soil and water, progress in plant breeding has gained unprecedented importance. Solutions to the challenges have to be found at a much quicker pace than in the past.

Crops must produce higher yields of higher nutritional value and grow more efficiently. Furthermore, crops need to be more resistant against pests and diseases and be more tolerant to adverse conditions such as heat and drought.

All this must be developed as quickly and efficiently as possible.

This is why ESA is convinced that Europe cannot do without continuous progress in tools and techniques for plant breeding and their speedy uptake in general breeding practice.

Europe's plant breeding industry and public plant science researchers are global leaders in developing such new techniques (1). Plant breeders are therefore following the current debate on the classification and applicability of EU's GMO legislation to new breeding techniques (NBTs) with great concern.

We fear that more processes and products would have to undergo expensive and lengthy authorisation procedures similar to that of genetically modified organisms – even in cases where no foreign DNA is contained in the end product or where these products may be indistinguishable from plants bred by conventional breeding methods.

(1)JRC Report New Plant Breeding Techniques: State of the art and prospects for commercial development, 2011

If the EU were to regulate new breeding techniques along the lines of its GMO legislation, this would have no effect on the use of these techniques by breeders and farmers outside the Common Market. Products produced in third countries by means of these innovative techniques, without the impediment of lengthy approval procedures, may well be imported and widely used in Europe – and ever more so due to their potential competitive advantage and lack of distinguishability.

The discussion today refers to eight different breeding techniques which have all already found their way into breeding research and some also into breeding practice.

The European Commission has charged several scientific bodies with an assessment and evaluation of these techniques.

ESA welcomes the reports of the Expert Working Group of EU Member States, of the European Food Safety Authority (EFSA) and of the EU Joint Research Centre (JRC). All these reports come to the conclusion that the legal definition of a genetically modified organism does not apply to most of the new breeding techniques or that these techniques fall under the exemption already established by the legislation or should be exempted as they are not different from plants obtained by means of conventional breeding (2).

ESA supports these conclusions and emphasises that it is crucial not to hamper the application of new breeding techniques -without scientific reason- by unnecessarily subjecting them to unpredictable and excessive regulatory oversight.

ESA therefore calls upon the European Commission to now provide legal certainty to the breeding sector. The development of new plant varieties generally requires periods of 7 to 10 years from basic research to marketable product.

It is thus crucial for companies to be certain now that their investments in innovative techniques will not be in vain and that their future products will not be subject to the uncertain outcome of politicised regulatory procedures.

To achieve this legal certainty, ESA proposes to issue a European Commission Interpretative Communication Document on the base of the Member States Experts Report which provides the interpretation of Directive 2001/18 for the breeding techniques currently under discussion and may also serve as reference for such interpretation for future NBTs.

(2) Final Report of the EU “New Techniques Working Group”, 2012

Without such guidance and clarification with respect to the non-regulation of new breeding techniques,

- the enormous costs and efforts involved in an authorisation procedure will prevent Europe's mostly small and medium-sized plant breeding companies from developing and using these techniques which will be detrimental to their competitiveness;
- excessive and similarly incalculable legal frameworks as for GM authorisations will result in a continued and further increased exodus of companies from Europe. European scientific excellence, related jobs, innovation and consequent economic growth will be driven out of Europe;
- the number of innovative plant breeders in Europe will decrease significantly which will weaken competition, give a boost to further industry consolidation, and only strengthen the plant breeding industries outside Europe;
- the portfolio of products developed in and for the Common Market will be reduced, which means less choice in products specifically targeted to the needs of Europe's farmers, growers, processing industries and consumers;
- achieving the EU's goals of increased sustainability of EU agriculture and of the bio-based economy will be put at risk by overregulation.

ESA calls upon the European Commission to take a stance in favour of a high-performing, innovative and diversified European plant breeding industry and to actively support a reasonable approach towards new breeding techniques, both in European regulation and in the public debate.

A Commission Interpretative Communication Document as proposed by ESA would bring about a quick clarification for the plant breeding sector, without the need for changes to the existing legal framework, and with that create the necessary strong basis of legal certainty for the continued investment in research, development and application of these new plant breeding techniques.