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Subject: Regulation on plants obtained by certain new genomic techniques and their food and feed products
- Information from the Croatian delegation

Delegations will find in annex an information note from the Croatian delegation on the above-mentioned subject to be dealt with under “Any Other Business” at the session of the Council (Agriculture and Fisheries) on 20 November 2023.

ANNEX

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND COUNCIL ON PLANTS OBTAINED BY CERTAIN NEW GENOMIC TECHNIQUES AND THEIR FOOD AND FEED AND AMENDING REGULATION (EU)

2017/625

-Information from the Croatian delegation-

The Republic of Croatia welcomes on-going discussions and certain progress achieved related to some technical provisions of the proposal for the Regulation on New Genomic Techniques (NGT). At the same time, we believe that for further progress on this legislative proposal, it is crucial to provide adequate solutions for certain issues of a political nature, taking into account its agricultural, environmental and health aspects. In the Republic of Croatia, there is a high public awareness of all issues related to the protection of environment as well as human and animal health, with special emphasis on the principles of organic agriculture. In this sense, there is also a wide consensus related to the crucial elements which should be respected in order for this Regulation to be accepted and to thereby, create a healthy and sustainable basis for its application in the future.

1. In accordance with the principle of subsidiarity, the Republic of Croatia considers that the proposal of the Regulation should enable the Member States to make independent decisions regarding the possible restriction or prohibition of the cultivation of NGT plants on their own territory or part of the territory. The impossibility of applying the derogation or "Opt-out" in the proposal of the Regulation currently calls into question the national law that exists regarding the GMOs¹, especially with regard to the demands and interests of the public. National authorities, which are the most responsible for the application and implementation of certain policies on their territory, should be provided with all the possibilities of adequate protection of human and animal health, environment and biodiversity in the way and at the moment that is considered the most appropriate. However, as an alternative, the Republic of Croatia may accept that this possibility be temporary, during transitional period of 7 years from the entry into force of this Regulation. After transitional period, European Commission should make an assessment of its overall effect so far, enabling the possibility of revising the "opt-out" option by the Member State concerned.

¹ Article 26b of Directive 2001/18/EC

2. This Regulation must also ensure the right of agricultural producers and consumers the freedom of choice, for which it is necessary to enable adequate monitoring and labelling of the mentioned products, regardless of whether they are NGT category 1 or NGT category 2. It is a legitimate right and also the expectation of wider community that includes citizen-consumers, certain non-governmental organizations, some agricultural producers and producer organizations, and certain stakeholders in the agri-food chain not to buy or consume any NGT product. The Republic of Croatia expresses major concern about the current provisions of the proposed Regulation that regulates this issue, especially considering the fact that the scientific and technological possibilities of detection and control of NGT products are considerably limited. Therefore, it is not possible, at least not at this moment, to ensure proper and adequate labelling of these products in a way that is clear to both producers and consumers. Besides, the Republic of Croatia cannot agree with the proposal to exclude NGT category 1 from the risk assessment, labelling and traceability rules. Considering the irreversible effect of the introduction of NGT plants into the environment where they further reproduce and spread, excluding risk assessment as an element of safety, from the precautionary principle aspect, may have a negative effect on human and animal health, environment and biodiversity.

3. In pursuit of the legitimate interests of organic producers and the further development of this sector, as well as for the purpose to sustain consumer confidence in these products, the right to a full ban on the use of both categories of NGT plants in organic farming should be enabled. The issue of "co-existence", including defining responsibility and compensation in the case of damages due to the uncontrolled spreading of NGT to conventional or organic plants must be adequately addressed in legislative act.

4. It is necessary to resolve the issue of patents on appropriate manner, and therefore, at the EU level, it is necessary to identify the potential risks of patenting plant reproductive material created by the NGT. In order to ensure legal certainty and to protect small farmers, breeders or SME from possible legal disputes, we must take into consideration current scientific insufficiencies regarding identification and differentiation of conventional from NGT plant with the same trait. Privatization of genetic resources and the creation of monopolies need to be avoided.

In order to accept the final proposal of this Regulation, taking into account the common position of the National authorities of the Republic of Croatia responsible for health, environment and agriculture, as well as the importance of this issue for the general public and the society as a whole, it is necessary to adequately resolve the above-mentioned open issues.