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Towards the start of the trilogue on GMO deregulation?

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On 14 March 2025, the Member States of the European Union achieved a fragile qualified majority to launch a discussion with the European Commission and the European Parliament on the deregulation of GMOs. It took the member states almost two years to reach this majority, as there are still many disagreements. Negotiations between the three European decision-making bodies - known as a “*trilogue*” - could now get underway, subject to the vote of a final formal mandate by the European Parliament's Environment Committee.



Since July 2023, the member states of the European Union (EU) have been discussing the European Commission's proposal to deregulate many GMOs. Numerous disagreements have arised, whether on the Commission's desire to abolish risk assessment, labeling as the obligation to provide a method for detecting and identifying GMOs obtained through new techniques of genetic modifications, or - above all - on the issue of patents associated with these techniques and/or GMOs. While Spain, Belgium and Hungary had failed to reach an agreement on a text amended by the member states, on Friday March 14, 2025, Poland obtained a qualified majority granting the country holding the presidency of the European Union a mandate to negotiate with the European Commission and the European Parliament.

A fragile qualified majority

According to *Contexte*[i], the EU member states voted by a qualified majority for the compromise text proposed by Poland at a meeting of the states' permanent representatives. This qualified majority was achieved despite opposition from Austria, Croatia, Hungary, Romania, Slovakia and Slovenia. While Germany abstained, Greece and Belgium voted in favor of the text. The change of vote by these two member states enabled a qualified majority.

While Belgium has formally voted in favor of the Polish compromise text, it has nonetheless accompanied its vote with a statement that puts its political support into perspective. In a document that Inf'OGM was able to read, it explains that it will oppose the potential future text that will emerge from negotiations with the European Commission and the European Parliament if it does not guarantee, firstly, the possibility for consumers to choose to eat without or with GMOs ; secondly, the absence of health or environmental risks linked to the commercial use of these GMOs; and, lastly, a total ban on the patentability of GMO plants obtained by these new techniques, their traceability throughout the agri-food chain and a ban on these GMOs in the organic sector. Belgium's vote on March 14 is therefore paradoxical: by supporting Poland's compromise text, Belgium has given its voice to the EU Council Presidency to start inter-institutional negotiations on the basis of a text that does not reflect its position.

A non-binding text

In fact, Poland's latest compromise[ii] is broadly in line with the European Commission's proposal. Since July 5, 2023, the Commission has been proposing that plants and certain micro-organisms genetically modified by new techniques of genetic modification should be defined as “NGT” for new genomic techniques. There would be two categories: category 1, for organisms whose genetic modifications are presumed to be similar to those that can be obtained by “*conventional*” selection (substitutions, deletions, insertions) and of virtually infinite number, and category 2, for organisms not classified in category 1, if any remain. To sum up, the European Commission is proposing that GMOs declared a NGT category 1 could be authorized without risk assessment, without publication of detection and identification methods (thus preventing traceability), without labeling (except for seed lots) and without post-market monitoring. This category 1 could concern an unlimited number of GMOs.

The compromise text proposed by Poland was intended to respond to the issues raised by member states during the two years of discussions, particularly, if not especially, the question of patents. Indeed, many had voiced their disagreement with such deregulation, given that genetically modified organisms can still be patented, a patentibility which could extend to non-genetically modified organisms. Although it had initially proposed a system of declaration and verification of the presence of patents, a system which had already been deemed insufficient by a number of players,

Poland succeeded in obtaining a qualified majority on a text which makes this procedure purely declaratory, without verification. To put it another way, Poland put forward an initial proposal to regulate patents, which was rejected by the other member states (even though it had rejected all patentability when it was not President). It has therefore further watered down its position. As for risk assessment, detection methods, identification and labeling, Poland has not in any way modified the European Commission's proposal, which is to get rid of them.

Players react

Many players reacted to the vote on Friday March 14, 2025. Representatives of multinationals said they were pleased with the vote, such as Olivier de Matos, Managing Director of CropLife Europe, who believes it provides farmers with better seeds, strengthens food systems and promotes sustainability[iii].

The European Coordination of La Via Campesina (ECVC), on the other hand, believes that Poland's compromise text "*does not solve the problem of patents*"[iv]. The coordinating group of farmers' organizations therefore calls on the members of the European Parliament, the European Commissioners for Health and Food Safety and for the Internal Market, and the representatives of the Member States not to allow "*the confiscation of peasant and traditional seeds by the patents of a few seed multinationals*". Recalling that the European Parliament itself voted in April 2024 for a text rejecting the patentability of these genetically modified organisms through new techniques, ECVC calls on the members of the European Parliament's Environment Committee not to "*approve the negotiating mandate allowing the opening of the trilogue on this dossier*".

Pollinis denounces[v] both a decision by the representatives of the Member States "*which greatly threatens the future of European agriculture*" and "*the position of the French government, which has chosen to ignore the repeated warnings of civil society, farmers and scientists, and to condemn to failure the necessary transformation of our agricultural model*". In particular, the association recalls ECVC's often expressed position that "*in the absence of any obligation to publish methods of detection and identification of NTG-derived plants, [farmers] will have no means of defending themselves*" if they were to be "*sued for infringement in the event of genetic contamination, or if their crops have characteristics similar to patent-dependent traits, but have been obtained independently*".

At European level, Friends of the Earth Europe talk about a dark day for farmers, consumers and Nature[vi]. The association believes that with this vote, "*governments have voted in favor of the profits of a few big companies, rather than protecting the right of European farmers and consumers to transparency and safety*". It adds that this vote "*nullifies the regulatory framework and eliminates any responsibility for new, untested GMOs [...] that don't even exist yet*".

Trilogue to be launched in April?

In February 2024, the European Parliament voted its own version of potential future legislation on GMOs. In so doing, it declared itself ready for negotiations with the European Commission and the Council of the European Union (trilogue) to take place. For the European Parliament, Jessica Polfjärd MEP, member of the Environment, Climate and Food Safety Committee, was appointed rapporteur for the text on July 24, 2024. A rapporteur who has already declared herself to be pro-deregulation and who will therefore represent the Parliament in these negotiations. It is probably because of this forthcoming role that the MEP has already met several times with representatives of multinationals, such as Syngenta on November 18, 2024 and March 6, 2025, Corteva on January 30, 2025, and Euroseeds on September 18, 2024 and January 22, 2025, as *Inf'OGM* has

been able to verify. For its part, the European Commission has been de facto ready for discussions since July 5, 2023, the day it made its proposal.

With the vote on March 14, 2025 giving a mandate to the Member State occupying the role of President of the Council of the European Union to hold discussions with the Commission and Parliament, the steps required to get this trilogue underway have almost all been completed. All that remains is for the European Parliament's Environment, Climate and Food Safety Committee to formally vote on its acceptance of the mandate. This vote could take place as early as April.

The coming weeks and months could therefore see the start of inter-institutional negotiations. As these are negotiations, none of the representatives is strictly bound by the position of the institution they represent (Commission, Parliament, Council). They represent the voice and positions of their institution, but this in no way prejudges the final content of any text negotiated between the three institutions. By June 30, 2025, Poland will be in the round table. From July 1 to December 31, 2025, Denmark, an openly pro-deregulation country, will take part in the negotiations. The positions negotiated will ultimately require a new formal agreement from each institution once the negotiations are over. The story isn't over yet.

i « Plus d'un an après le Parlement européen, les États trouvent un accord sur le texte concernant les nouvelles techniques génomiques », *Contexte*, 17 march 2025, followed by « Erratum : la Belgique a soutenu le mandat du Conseil sur les nouvelles techniques génomiques », *Contexte*, 18 March 2025 (in French).

ii Council of the European Union, « Proposal for a Regulation of the European Parliament and of the Council on plants obtained by certain new genomic techniques and their food and feed, and amending Regulation (EU) 2017/625 – Mandate for negotiations with the European Parliament », 7 March 2025.

iii « UE Les parties prenantes se tournent déjà vers les négociations interinstitutionnelles concernant les plantes NGT », *Contexte*, 17 March 2025 (in French).

iv ECVC, « Open letter to the Member States of the European Union, Members of the European Parliament and the European Commission », 19 March 2025.

v Pollinis, « Nouveaux OGM : l'accord du Conseil de l'UE menace l'agriculture et la biodiversité », 14 March 2025 (in French).

vi Friends of the Earth Europe, « EU ambassadors back new GMOs deregulation: a dark day for farmers, consumers, nature », 14 March 2025.

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