Veille citoyenne d'information sur les OGM et les semences

Qualified majority in the Council of the European Union to deregulate numerous GMOs

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On Friday 19 December, the Member States meeting within the Council of the European Union reached a qualified majority agreement on a text to deregulate many GMOs. This text, negotiated two weeks earlier between representatives of the European Commission, the European Parliament and the Council, proposing broad deregulation of GMOs obtained through new techniques of genetic modification, has finally convinced a sufficient majority of States. The European Parliament is now due to consider it in January 2026.



Before working on numerous legislative proposals made in the recent days by the European Commission (unregulated release of genetically modified micro-organisms into the environment,

omnibus law on pesticides, biotech law, forthcoming innovation law, etc.), the Council of the European Union focused on friday 19 December 2025, on the proposal made by the European representatives two weeks earlier to deregulate many GMOs obtained through new techniques of genetic modification (so-called "*new genomic techniques*" / NGT).

Based on the European Commission's proposal made in July 2023[i], the European Parliament's position voted on in April 2024[ii] and the European Council's mandate given to Denmark in March 2025[iii], this agreement between negotiators caused quite a stir among key players such as farmers and associations[iv]. The negotiators had indeed chosen to present a text containing measures aiming at deregulating GMOs obtained through NGTs and did not address the concerns repeatedly expressed by certain Member States, the European Parliament and many stakeholders involved in the debate (farmers, seed producers, the organic and GMO-free sectors, associations, etc.).

At a meeting of the permanent representatives of each Member State (Coreper 1) on Friday 19 December, the Council of the European Union reached a consensus[v] on this proposal. Pending the European Parliament's vote in 2026, the text is still provisional. But if it were to be endorsed by Parliament, what does it provide for?

No labelling, no traceability, no risk assessment, no...

The deregulation text agreed by the Council of the European Union takes the approach of declaring that GMO plants obtained by "*targeted mutagenesis or cisgenesis*" would be declared as NGT plants. They could be classified into two categories (NGT1 and NGT2) according to the nature of the genetic modifications made. In short, category 1 plants would be those defined as "*equivalent*" to plants that can be obtained conventionally, based on criteria of uncertain scientific basis. NGT2 plants would be those not classified in category 1. As already analysed, the vast majority of genetically modified plants should logically be presented as NGT1 by their manufacturers, as this status offers the most extensive deregulation and operates on the basis of a simple verification of a declaration made by a company.

For NGT1s, the proposed authorisation system would be based on a fairly lax approach. Marketing authorisation or authorisation for field trials would no longer be formally required. Only recognition of a plant's NGT status would need to be requested on the basis of a simple declaration. This could be done in a Member State upon simple request to conduct a field trial or with a view to marketing. The final decision would be made by the European Commission. But, with no method of detection and identification required from the companies as we'll see, the European Union would have no choice but to trust the statements made by companies in the files submitted to confer NGT1 or 2 status.

Once this NGT status has been obtained, GM plants obtained using new techniques, and in particular NGT1, would no longer be subject to GMO legislation (no authorisation required, no risk assessment for NGT1, no traceability or labelling except for seeds, no monitoring of environmental impacts, etc.).

In addition to removing many GMOs from current GMO legislation, the text, which will be examined by the European Parliament in 2026, maintains an approach that would render the European Union virtually blind to GMOs obtained by NGT present on its territory. The negotiators had decided not to accept the European Parliament's requests regarding the labelling of these category 1 GMOs when they are imported, produced and/or marketed in Europe. Only seed buyers would have access to such labelling. In addition to this deliberate choice to no longer inform European citizens about what they are consuming, negotiators also chose to make it impossible for the European Union to

verify companies' claims and carry out checks on European territory (such as the labelling of seed batches). Indeed, the requirements to provide a method for detecting, identifying and quantifying GMOs obtained by new techniques proposed by the European Parliament have not been retained.

Finally, it should be noted that plants that have obtained NGT1 status would not be subject to assessments of risks on health, environment and agrarian systems. European legislators argue that NGT1 plants pose no greater risk than plants obtained by conventional methods. Will these plants modified by NGTs be toxic, allergenic or have reduced nutritional value? No one will know, as this would no longer be required. Only NGT2 plants would be subject to an environmental risk assessment, which again should be rare.

Insecticidal plants that cannot be deregulated?

A rather unexpected novelty is to be noted in the version of the text agreed by the Council on Friday 19 December. The European Parliament and the Council of the European Union had already proposed that plants genetically modified by NGT to tolerate herbicides should not be declared category 1, even if they meet the requirements of that category. MEPs highlighted the specific growing conditions required by these plants. The negotiators, and now the Council, have taken up this proposal to exclude from NGT1 status the plant tolerating herbicides, adding to it the plants obtained by new techniques which characteristic would be to resist insecticide. However, the wording is uncertain, to say the least, with negotiators proposing to exclude NGT plants that have the characteristic of producing "*a known insecticidal substance*" from NGT1 status. Known to whom, how and where are all questions that arise and make the scope of such an exclusion unclear.

GMO-free organic farming, until further notice...

In the specific case of agriculture and production meeting the "*organic*" label, it is proposed to note that this label prohibits the use of GMOs obtained by NGT, since it excludes GMOs. While it is noted that organic and conventional production chains are already sufficiently separate, the sector's requests to establish analytical traceability, coexistence measures, labelling for consumers and the establishment of compensation funds, have not been accepted. The only measure proposed by the negotiators and the Council is a tolerance for the presence of GMOs obtained by NGT in organic production in cases of "*adventitious or technically unavoidable presence*". This intention may be laudable, but it would nevertheless open the way for the adventitious presence of GMOs obtained by NGT in organic production. However, these notions of "*adventitious or technically unavoidable presence*" would not be defined and, once again, the EU would not have methods for detecting and identifying these GMOs obtained by NGT provided by their manufacturers, as this is not a mandatory requirement.

Above all, the future of European organic regulations seems to be in question. The text voted on this morning by the Council states that a more in-depth examination of the compatibility of NGT1 plants with the principles of organic farming would be necessary because "*it is necessary to clarify the status of category 1 NGT plants for the purposes of organic production. Currently, the compatibility of the use of new genomic techniques with the principles of organic production requires further consideration. The use of category 1 NGT plants should therefore be prohibited in organic production, until such further consideration takes place*".

Fears over patents remain unresolved

One of the stumbling blocks between the institutions concerns patents. While the European Parliament called for a ban on patents on GMOs obtained by NGT and classified as category 1, the Council of the EU was unable to reach a consensus due to significant differences between Member States. On 4 December, negotiators proposed measures to try to reassure everyone. However, most of these measures are optional, as they are "*voluntary*" or non-binding, as explained by the European Coordination Via Campesina (ECVC) in its press release of 11 December. *Inf'OGM* will write about these proposed measures in more detail, but we now know that a qualified majority of the Council of the European Union seems satisfied with this optional nature.

At this stage, the details of the positions expressed by the Member States are not known, as Coreper 1 meetings are not broadcasted live. However, the qualified majority reached within the Council on 19 December shows that some states have given ground. This Council vote now sends the text to the European Parliament for MEPs to give their opinion on it in 2026. The MEPs who are the members of the Parliament's Environment Committee will be the first to take action, possibly in January 2026.

i European Commission, "*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*", 5 July 2023.

ii European Parliament, "*Plants obtained by certain new genomic techniques and their food and feed - European Parliament legislative resolution of 24 April 2024 on the 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 (COM(2023)0411 – C9-0238/2023 – 2023/0226(COD))*", 24 April 2024.

iii 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*", 7 March 2025.

iv Eric Meunier, “Déréglementation des OGM : la balle est dans le camp du Parlement européen”, *Inf’OGM*, 5 December 2025.

v See preparatory documents of Coreper meeting on 19 December:
Council of the EU, Coreper I, 19 December 2025, "Related documents".

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