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The European Commission as absolute ruler over GMO and pesticide legislation?

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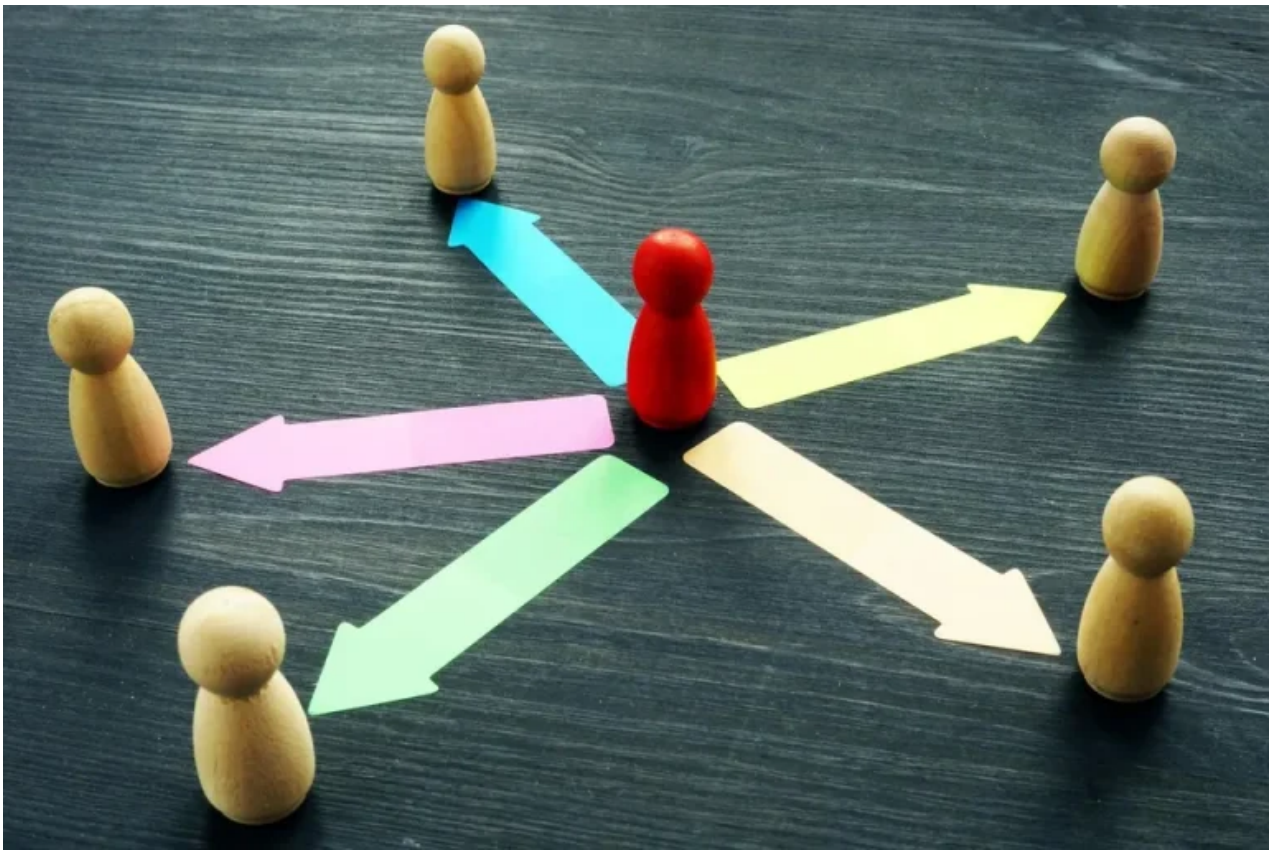
Publié le 30/01/2026

The legislative texts concerning GMOs proposed by the European Commission aim to almost entirely remove the regulatory framework for GM plants and microorganisms. In addition to this deregulation, two new measures have been discreetly slipped in. The first, which is common to the pesticides dossier, would consist of authorising these products without any time limit. The second would give the European Commission full powers over future legislative changes.



December 2025 marked an important turning point in the GMO debate in Europe. The Council of the European Union approved the provisional agreement reached in the trilogue concerning the deregulation of GMO plants obtained through new techniques of genetic modification (NGT). This provisional agreement may now be submitted to the European Parliament. In the same month, the

European Commission presented to the European legislators some proposals to deregulate the release of genetically modified micro-organisms (GMMs), to tolerate their presence in food products and to encourage the development of biotechnologies in Europe. Among this jungle of texts, certain proposed changes stand out and deserve closer attention.

Unlimited authorisations

The first new feature would be to issue marketing authorisations for GMOs, GMMs and pesticides that are unlimited in time. Currently, these authorisations are limited in duration and need to be renewed. This requires companies to submit a renewal application, which involves a new risk assessment. The Commission, like the Council of the EU, is proposing to get rid of these time limits.

For GMO plants obtained through NGTs, this change is to be understood between the lines. Directive 2001/18 and Regulation 1928/2003 currently stipulate that marketing authorisation for a GMO is granted for a period of ten years. A renewal must be requested at least one year before the end of the ten-year period and, if granted, will in turn be valid for ten years. The compromise text agreed by the Council of the EU on 19 December 2025 proposes to remove this very concept of authorisation. For plants genetically modified by NGTs classified in category 1 (with complete deregulation), a procedure to verify NTG1 status would be provided for, resulting in a declaration of status NGT1[i]. Based on a declaration by a company that its plant is NGT1, the final decision of the European authorities would therefore be "*only declarative*"[ii]. As these decisions are not authorisations in the strict sense of the term, this explains the absence of any reference to a time limit or the need to renew this decision. It should also be noted that, as the provisional text does not provide for detection and identification methods, the procedure for verifying the declaration would not be carried out without analysis, but would rely entirely on the declaring company.

For plants genetically modified by NGTs classified in category 2, authorisation would be required, valid for a maximum period of ten years. However, unlike the current practice, the renewal of this authorisation would be valid for an unlimited period, "*unless the decision [...] provides that the renewal is for a limited period, on justified grounds based on the findings of the risk assessment* [...] *and on experience with the use, including results ofmonitoring*"[iii].

In the case of GMMs, whether transgenic or not, the proposal made by the European Commission on 16 December 2025 is clear on the issue of the duration of authorisation. The Commission proposes that "*consentgranted under Part C [Editor's note: which deals with marketing] shall be valid for an unlimited period oftime*"[iv]. It even proposes to specify, just in case, that the article of Directive 2001/18 dealing with the renewal of authorisations should logically not be applied.

This approach by the Commission is not limited to GMOs, as it can also be seen in the case of pesticides. Following a proposal for a directive made on 16 December 2025, the so-called "*Omnibus*" directive on food safety, the association Générations Futures communicated specifically on this point of the duration of authorisations. It stated that "*it is official: the Commission is proposing to grant unlimited authorisations for a large number of pesticides in Europe*"[v]. While it specifies that this concept of unlimited authorisation should not apply in all cases, the cases that are exempt would be subject to very vague wording, opening the way to "*a significant risk of arbitrary interpretation*". Above all, it points out that the proposal would effectively mean that "*for all substances already authorised and not undergoing renewal, the authorisation period would become unlimited*", citing glyphosate as an example, which "*would see its authorisation period become unlimited*". At national level, authorisations granted for products containing active substances authorised at European level would, of course, be for a "*maximum authorisation period*

of 15 years". However, the resulting risk reassessment could only take into account "*data on substances available at the time of their last assessment at Community level*". It is therefore impossible, as Générations Futures explains, to incorporate the "*latest knowledge available to Member States*" unless the Commission agrees to re-examine the substance.

The Council of the EU puts the Commission in sole control

The second new development concerns the powers that would be conferred on the European Commission if the provisionnal compromise text on the deregulation of GMO plants was adopted.

In the case of GMO plants, several articles in the compromise text would allow the European Commission to change the implementation of the legislation on its own. To understand the extent of these powers, we must first remember how the deregulation of GMO plants obtained through NGTs would work. The first step would be to verify a company's declaration that a GMO plant is NGT1 or NGT2. To this end, the legislation would establish "*equivalence*" criteria, which would opan access to NGT1 status and pave the way for deregulation. In a second step, once NGT1 status has been verified, the GMO would no longer be subject to risk assessment and could be marketed in Europe without labelling (except for seed lots), traceability methods or environmental monitoring.

The first delegation of power proposed in the compromise text would allow the Commission, through delegated acts, to modify the criteria for equivalence between a plant known as "*NGT*" and a conventional plant[vi]. This is in order to "*adapt them to scientific and technological progress*". The Commission could thus modify the type and extent of genetic modifications accepted as "*equivalent* " to those that could occur naturally or through conventional breeding. The only constraint on the Commission would be that it would have to publish a report justifying its decision.

The second is also of great importance[vii]. The Compromise text proposes that the Commission alone should be able to decide on the technical information required from companies to demonstrate that a plant is an "*NGT*" plant and to be provided in the declaration dossier to be submitted in Europe prior to any release. It could also decide alone on the content of formal applications submitted.

In the same vein, the European Commission could decide alone on the information required concerning the declaration of existing patents, the content to be transmitted in the event of a licence declaration, or what should be put in writing as a final declaration of NGT status. This is a major point, to say the least, as the issue of patents has been – and still is – a significant point of disagreement between Member States, parliamentarians and within European companies.

The final delegation of power would concern NGT2 plants, which would be regulated, unlike NGT1 plants. For these NGT2 plants, companies seeking to market them would benefit from advantages if their GM plants have new characteristics considered "*sustainable*" by the European legislator, characteristics listed in the legislative text. The Council proposes that the European Commission alone should be able to amend the list of characteristics considered "*sustainable*"[viii] and entitling companies to these advantages. These benefits would consist of reduced deadlines (four months) for the European Network of GMO Laboratories (ENGL) to process authorisation applications and exemptions from financial contributions to the ENGL for small and medium seed companies providing a detection and identification method for a GMO they wish to market.

For GMO plant, these delegations of power would be granted to the European Commission for a period of five years after the legislation enters into force, renewable tacitly unless the Parliament or the Council intervene[ix]. These bodies could, within two months, oppose a delegated act in

preparation or decide to revoke these delegations of power. Paradoxically, their revocations would not affect the validity of delegated acts already adopted.

The legislative proposal made on 16 December 2025 on GMMs contains roughly the same delegations of power. The European Commission could thus modify the list of information required prior to the release of these microorganisms into the environment[x]. Above all, the European Commission could, on its own, add criteria defining an GMM as "*low risk*", a status paving the way for even greater deregulation[xi]. It could also amend the list of information required prior to the release of these "*low risk*" GMMs and modify the requirements for assessing the risks associated with them[xii].

If adopted, these various legislative texts on GMO plants and GMMs would therefore create a rather unprecedented situation. Member States and MEPs would thus entrust the keys to the GMO dossier to the Commission alone, thereby depriving themselves of any real capacity to intervene in these matters at a later date. This situation could be a cause for concern for some, given the European Commission's current position, which is very much in favour of reduced regulation and considerable freedom of action for multinationals and their patents. This freedom is increasingly being eroded, or even completely removed, when it comes to other economic actors and citizens to be able to produce and consume without GMOs.

i Council of the EU, « 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 – Analysis of the final compromise text with a view to agreement », articles 6.10 and 7.6, 11 December 2025.

ii Council of the EU, « 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 – Analysis of the final compromise text with a view to agreement », whereas 20, 11 December 2025.

iii Council of the EU, « 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 – Analysis of the final compromise text with a view to agreement », articles 17, 11 December 2025.

iv European Commission, « Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2001/18/EC and 2010/53/EU as regards the placing on the market of genetically modified micro-organisms and the processing of organs », article 24c, 16 December 2025.

v Générations Futures, « Omnibus sécurité des aliments : C’est officiel, la Commission propose d’accorder des autorisations illimitées pour un grand nombre de pesticides en Europe », 16 December 2025.

vi Council of the EU, « 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 – Analysis of the final compromise text with a view to agreement », article 5, 11 December 2025.

vii Council of the EU, « 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 – Analysis of the final compromise text with a view to agreement »,

article 25(a), 11 December 2025.

viii Council of the EU, « 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 – Analysis of the final compromise text with a view to agreement », article 22, 11 December 2025.

ix Council of the EU, « 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 – Analysis of the final compromise text with a view to agreement », article 26, 11 December 2025.

x European Commission, « Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2001/18/EC and 2010/53/EU as regards the placing on the market of genetically modified micro-organisms and the processing of organs », article 24(b), 16 December 2025,

xi Eric Meunier, « The deregulation of GMO microorganisms is underway », *Inf'OGM*, 27 January 2026.

xii European Commission, « Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2001/18/EC and 2010/53/EU as regards the placing on the market of genetically modified micro-organisms and the processing of organs », article 24(e), 16 December 2025,

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