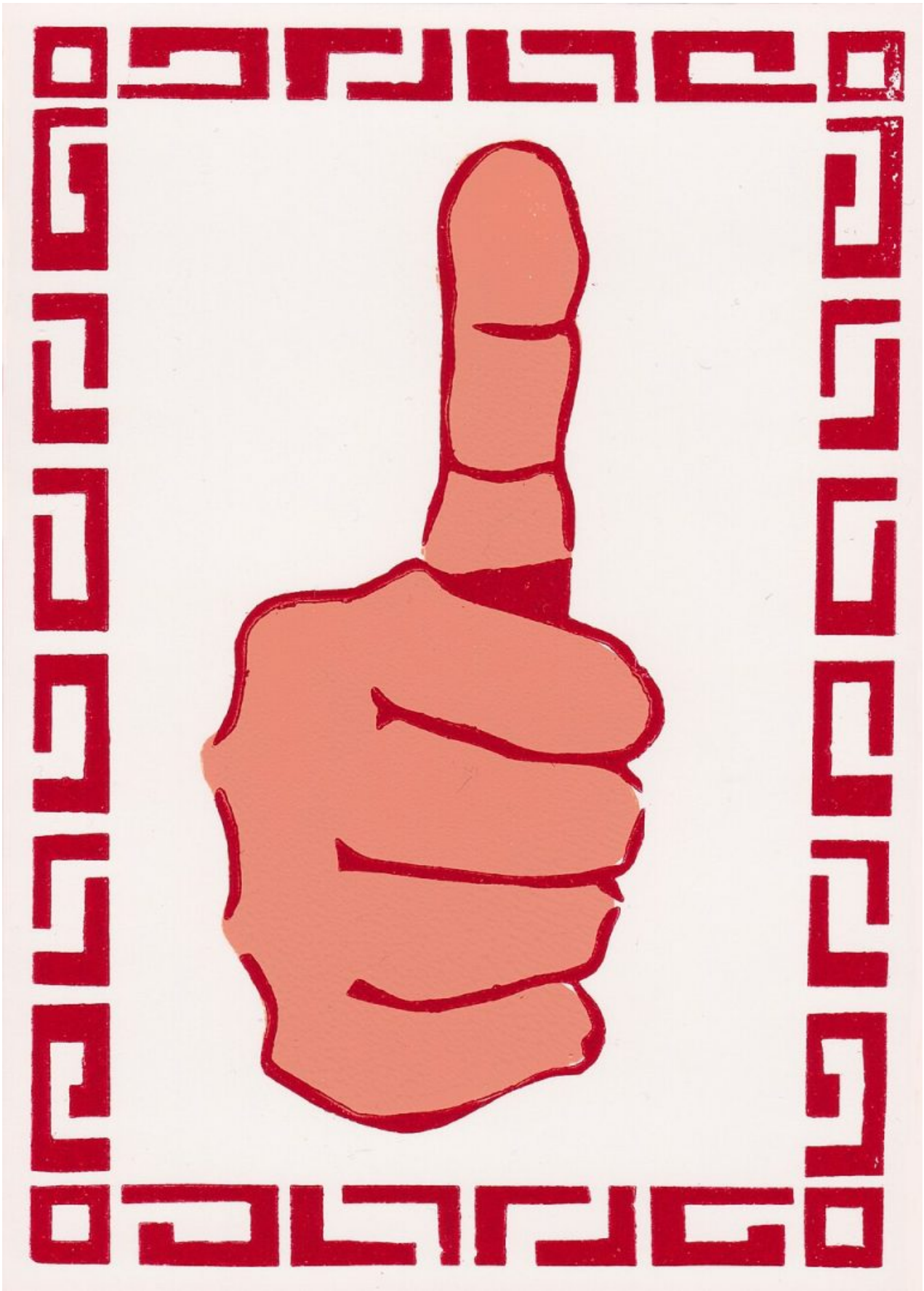
Veille citoyenne d'information sur les OGM et les semences

French government in favour of deregulating many GMOs

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On 19 December 2025, the French government came out in favour of deregulating GMOs obtained using new techniques of genetic modification (NGT). Having previously abstained, it has, according to our information, changed its position following a commitment made by the European Commission. This commitment, which has not yet been made public but which *Inf'OGM* has been able to read, does not, however, add anything to the provisional text proposed to deregulate GMOs. France's position has enabled a qualified majority of Member States to be reached on this text.



On 19 December 2025, during a meeting of their permanent representatives in Brussels, a qualified majority of European Union Member States reached an agreement on a compromise text aimed at deregulating GMOs obtained through new techniques of genetic modification (NGT). However, negotiations are not yet over, as this text still has to be formally approved, rejected or amended by the European Council and Parliament.

While Germany, Austria, Belgium, Bulgaria, Croatia, Hungary, Romania, Slovakia and Slovenia did not support the text on 19 December, France, Poland and Greece changed their initial position and approved the text as presented. These changes in position enabled the Council of the European Union to reach a qualified majority, with 55% of Member States voting in favour, representing at least 65% of the total population of the EU.

A debate blocked, then unblocked by France

Since July 2023 and the European Commission's proposal to deregulate GMOs obtained through new techniques of genetic modification, discussions between Member States within the Council of the EU have stalled over the issue of patents and the risks they pose to farmers and seed producers. As deregulation would mean a complete lack of traceability and labelling for GMOs obtained using new techniques and classified as category 1 (*i.e.* the likely majority of GMOs), companies holding patents would find themselves in a position of strength to enforce them on any plant in which they believe there is genetic information or material covered by these patents. Farmers and seed producers would find themselves under the constant threat of a "*minefield*" of often inaccessible licensing rights, with living organisms becoming the property of the companies holding the patents.

After two years of discussions within the Council of the EU and a failure to find common ground, a compromise text, resulting from inter-institutional negotiations, was put on the Council's table in early December 2025 with false solutions to try to resolve the issues related to patents[i]. On 19 December, thanks to a change of position by three countries, including France, the text was provisionally adopted. As far as France's position is concerned, according to our information, the government decided to support the text because the European Commission has made commitments to protect the European seed sector. However, this commitment made by the Commission is not binding and, above all, does not add anything new to the compromise text on which France claimed to be hesitating.

A non-binding commitment that adds nothing new

In its statement, which *Inf'OGM* has read, the Commission states that it is committed to protecting the European seed sector, particularly small and medium-sized enterprises (SMEs). In addition to publishing reports every five years on the impact of patents on the seed sector, the Commission undertakes to monitor the impact of the proposed regulation on GMOs obtained by new techniques on the European seed sector. The idea is to assess whether the deregulated commercial development of GMO plants obtained by these new techniques, and in particular their patentability, leads to negative impacts such as the exclusion of SMEs.

This commitment is already in line with the provision in the text stating that the Commission "*should conduct an assessment on the impact that the patenting of plants and related licensing and transparency practices may have on innovation in plant breeding, on breeders' access to plant biological material and techniques and on the availability of plant reproductive material to farmers*

as well as the overall competitiveness of the EU plant breeding industry, in particular small and medium sized breeders, and the potential risks of market concentration"[ii].

In concrete terms, the Commission is thus taking a committment that the code of conduct proposed in the compromise text, which it should oversee the drafting of in cooperation with the Member States.[iii], would be drafted at least six months before the entry onto force of the potential future regulation. While the text provides for a code of conduct to be ready no later than 18 months after the regulation enters into force, it should be noted that there is a real difference here, as the Commission has committed to reducing this period by two years...

With regard to “*licensing platforms*”, the Commission undertakes to assess their functioning and use in terms of transparency on patents and access to licences for SMEs, which must be on fair and reasonable terms. This commitment also echoes what the compromise text proposes, namely to make "*patents on category 1 NGT plants available to breeders on fair and reasonable conditions* "[iv].

With regard to SMEs specifically, the Commission is committed to ensuring that they have access to patent support and advice to compensate for their lack of resources in this area. The nature of the support and advice is not specified. However, this idea is already included in the text, which calls for "*Breeders [to] benefit from guidance [Editor’s note : to be produced by the European Commission] to help them navigate the plant intellectual property landscape*"[v].

Another commitment made by the European Commission directly concerns European Directive 98/44 "*on the legal protection of biotechnological inventions*" by patents. Here, the Commission undertakes, only if it deems it relevant, to update or supplement a note[vi] it drafted in 2016 providing its interpretation of the articles concerning the criteria for patentability of inventions relating to plant genetic information, the concept of essentially biological processes and the conditions for the mandatory granting of reciprocal licences. It also undertakes to consider establishing mandatory conditions or safeguards relating to access to patented biological material if it was observed that the system is not functioning properly.

Once again, the compromise text already specifies that "*the Commission shall regularly conduct an assessment on the impact that the patenting of NGT plants, traits and techniques as well as related licensing and transparency practices, have in the Union on [...] potential litigation involving farmers or breeders in situations where patented biological material may appear in their crops or products due to accidental presence or similarity, without intentional use of the patented material*"[vii]. And to provide that if this assessment reveals "*significant barriers to access to patented plant biological material, undue restrictions on experimentation, negative effects on breeders and farmers, increased market concentration, reduced diversity in seed supply, insufficient transparency, or other evidence that the system is not functioning smoothly*", the Commission shall "*where appropriate, submit legislative proposals to set up mandatory conditions or safeguards*".

The French government is satisfied

This "*commitment*" made by the European Commission has not yet been made public. It will presumably be included in the minutes of the meeting of 19 December 2025. In terms of content, wording and form, this commitment adds nothing new to the compromise text and is only a moral commitment on the part of the European Commission made within the framework of a tacit agreement of good cooperation between the European institutions. However, these promises were considered sufficient by the French government to give its approval to this provisional text on the deregulation of numerous GMOs. Thanks in particular to this change in France's position, the

permanent representatives of Member States have achieved a qualified majority. The text is now temporarily in the hands of the European Parliament's Environment Committee before returning to the Council for a more formal adoption, known as the "*first reading*".

i Denis Meshaka, « The Council of the EU wants to maintain the patentability of GMOs/NGTs », *Inf'OGM*, 21 January 2026.

ii UE Council, « 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 46a, 11 décembre 2025.

iii *Ibid.*, Article 29a.

iv *Ibid.*, whereas 17b.

v *Ibid.*, whereas 46d.

vi « Note 2016/C 411/03 », *Official Journal of the European Union*, Volume 59, 8 November 2016.

vii Conseil de l'UE, « 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 30(a), 11 décembre 2025.

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