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Patents and NGTs: the singular position of Germany’s main agricultural union

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While the deregulation of GMOs obtained through new genetic modification techniques (GMOs/NGTs) is currently under review, the issue of patents continues to provoke contrasting positions within European agricultural organisations. In this context, the position of the Deutscher Bauernverband (DBV), Germany's main agricultural union, is particularly noteworthy. While in favour of the use of these NGTs, it nevertheless warns of the risks associated with patents. This is an original position among European agricultural organisations.



The DBV is a union representing more than 90% of Germany's 300,000 farms[1]. On 1st December 2025, in a communication on NGT, which it supports[2], the DBV explicitly criticised patents applied to plants. It considers them a major risk to varietal innovation, competition between breeders and farmers' autonomy. This dissociation between innovation and appropriation of living organisms is a singular position within the mainstream European agricultural union movement, which is characterised by less assertive positions, but is generally favourable to patents.

An atypical majority union among Copa-Cogeca members

In her statement, DBV Secretary General Stefanie Sabet welcomes the principle currently under discussion of deregulating GMOs derived from NGTs. However, unlike the majority of agricultural organisations that have taken a favourable position on NGTs, the union considers that the issue of patents crosses a clear red line: "*Patents must not block progress in breeding. If the essential characteristics of plants are monopolised by certain companies, our farmers and small and*

medium-sized breeders will lose access to important genetic material". The DBV points to several risks: damage to competition between breeders, increased seed prices and reduced varietal diversity. It is also concerned, in the longer term, about a "*concentration on a few main high-yield crops, while plant species that are important at regional level will disappear from the market*".

The DBV's position is rather atypical among the majority of European agricultural unions affiliated to Copa-Cogeca (an organisation representing professional agricultural organisations and agri-food cooperatives), which certainly express their commitment to plant variety rights, but demand access to GMOs derived from NGT without opposing their patentability. This is all the more remarkable given that it comes from an agricultural union representing the majority of German farms. Another German union, the Arbeitsgemeinschaft bäuerliche Landwirtschaft (ABL), shares this opposition to patents, but takes a more explicitly small-scale farming approach, in line with the positions defended by the European Coordination Via Campesina (ECVC).

This stance breaks with the industrial sector's position...

The uniqueness of the DBV's position also lies in the nature of its argument. The German union bases its argument on a different premise from that of the dominant seed industries, which often hold patents: "*innovation and progress have been possible until now even without patents*". This argument is not shared by the large seed companies, which, with their considerable financial resources, believe that patents are essential for a return on their investment in research and development.

The DBV therefore differs from this approach, arguing that patents not only stimulate innovation, but can also stifle it, for example when they relate to new or pre-existing genetic traits in nature. Without denying the link between biotechnological innovation and patents, the German union emphasises that other mechanisms, such as plant variety rights (PVRs), also make it possible to reward innovation. It therefore focuses the debate not on innovation itself, but on the methods used to ensure its recognition and remuneration.

It should be noted that the link between biotechnological innovation and patents is felt by some medium-sized seed companies, such as the French companies RAGT and Florimond Desprez. These companies only have access to new genetic modification techniques by negotiating very expensive licences with the few large multinationals that hold the main "*lock*" patents on NGTs[3]. They have therefore tended to express their opposition to patents on products derived from NGTs, favouring PVR instead.

...and aligning themselves with NGOs

At the institutional level, on 19 December 2025, the permanent representatives of the EU Member States voted in favour of a provisional compromise that does not in any way call into question patent rights, including for NGTs and their products[4]. The reasons for the silence of Germany, which is home to a number of major biotech companies (Bayer, BASF, etc.), remain officially unknown.

The DBV's position is more transparent, as it has already made it clear in the past by explicitly criticising patents covering native traits or those resulting from conventional breeding. The German union has co-signed joint positions with European civil society organisations (No Patents on Seeds) and organic farming organisations (Bioland), calling for significant restrictions on plant patents, or even the total exclusion of plants from the scope of patentability when their characteristics exist in nature[5]. This type of alliance is rare for a majority agricultural union and highlights the cross-cutting

nature of the DBV's position.

No European consensus among agricultural unions

Other Copa-Cogeca member unions are also critical of patents on GMOs derived from NGT. The LTO (Netherlands) recognises the virtues of NGT, but warns of the risk that plant characteristics could be patented, which could slow down varietal innovation, and argues that GMOs/NGT should remain patent-free[6]. Similarly, COAG (Spain), a member of ECVC and Copa-Cogeca, informed us that they are opposed to GMO and patents on all GMOs, old and new. In Poland, the main agricultural unions, also members of Copa-Cogeca, criticise patents, which they consider responsible for farmers' dependence on multinationals and an infringement of their sovereignty over seeds.

The FNSEA, the majority union in France, a member of Copa-Cogeca and equivalent to the German DBV, has adopted a position clearly in favour of deregulating GMOs. It has not commented on the threat posed by patents on biological material and genetic information, particularly plants, or on their use by farmers. As signatories to an open letter dated 27 November in the context of the trilogue on the NGT Regulation[7], the FNSEA and 27 other national organisations are focusing on supporting deregulation at European level, without making patent restrictions a major critical issue, unlike the DBV.

Several European trade unions share a position similar to that of the FNSEA, favouring a positive or ambiguous approach to patents. This is precisely the case with Copa-Cogeca, which also includes cooperatives that own companies producing patented seeds, such as Limagrain/Vilmorin. As a member of these organisations, the DBV acknowledges the existence of the debate on patents, but recommends separating it from the debate on the deregulation of GMOs/NGTs, so as not to hinder the adoption of new rules[8].

Coordination Rurale, France's second largest trade union, has opposed the patentability of seeds since 2016 without opposing GMOs/NGTs[9]. The Confédération paysanne, France's third largest trade union and a member of ECVC, opposes patents on plants[10], believing that they privatise living organisms and threaten farmers' right to select, conserve, use and exchange their seeds.

Weak signs of a coming divide?

The differences between unions on the issues of NGT regulation and patents raise several questions. While a significant number of unions highlight the problems associated with patents, a majority seem satisfied with the current trend towards deregulation of GMOs obtained through new techniques[11]. However, it is questionable whether they have fully assessed all the consequences of maintaining patents on farmers' activities, particularly the economic impact. Unless the limited exemption granted to farmers[12] authorising the controlled use of a specific list of seeds is really enough to reassure the unions...

The DBV is the main union in a major agricultural country in the European Union[13]. Germany is also a historical pillar of the European patent system, particularly in the chemical and biotechnology sectors. However, it did not express any position at the meeting of EU Member State representatives in December 2025. Does this reflect a weak signal of awareness of the potential problems that patents can pose for agriculture, but also for small and medium-sized breeders? In any case, these relatively unusual positions raise questions about the overall perception of the agricultural stakeholders concerned and their understanding of the issues at stake at European level.

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