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Mr. Olivér Várhelyi
Commissioner responsible for health
and animal welfare
European Commission
200, rue de la Loi
B-1049 Brussels

Brussels, 21 May 2025

Subject: new genomic techniques (NGTs) and patent protection

Dear Commissioner,

New Genomic Techniques (NGTs) speed up the breeding process and can improve, for example, yield and growth characteristics for food and feed quality as well as disease resistance. With increasing climate challenges and risks to food security, **NGTs are an important additional tool for farmers that enable breeders to bring better varieties to the market faster, helping European farmers who face many challenges, including the acceleration of climate change, stagnating yields, new pests and diseases and a depleting toolbox for crop protection.** If supported by an appropriate legal framework, new genomic techniques will progressively become essential tools for increasing the genetic diversity needed to develop plant varieties that are better adapted to the impacts of climate change and the demands of a growing population.

It is essential that the European Parliament, the Council, and the European Commission agree without delay on effective legal reforms that clearly limit the scope of patent protection in plant breeding. Only through such targeted legislative action can we preserve fair competition, foster agricultural innovation, and secure the future of sustainable food production in the EU.

As the legislative process moves forward, the Council and the European Parliament must find common ground to clarify the provisions on patent protection in plant breeding. The goal is twofold:

- To ensure that patent protection does not extend into the agricultural, breeding, and food sectors in a way that restricts innovation or access.
- To guarantee a full breeders' exemption, ensuring unrestricted access to the entire gene pool for future breeding efforts.

Without explicit safeguards, there is a risk that broad patent claims could undermine breeders' rights, limit genetic diversity, and stifle innovation. A balanced approach is essential to maintain Europe's leadership in sustainable and competitive plant breeding.

Europe leads the world in innovative plant breeding, thanks in large part to the Community Plant Variety Right (CPVR) system, which has successfully fostered a thriving breeding sector for nearly 50 years. This system provides legal protection and market incentives for breeders by recognising plant variety certificates as intellectual property rights. These rights reward breeders for their work while ensuring that farmers have access to a wide, diverse, and high-quality selection of plant varieties.

Each year, European breeders develop approximately 3,000 new plant varieties, a testament to the sector's vitality and innovation. The CPVR system also plays a key role in sustaining



biodiversity and agricultural resilience as it supports a wide range of small and medium-sized breeding companies rather than concentrating power in the hands of a few multinational firms.

Without the CPVR system, up to 90% of these plant varieties could disappear within a decade, undermining the economic and ecological sustainability of European agriculture.

Copa and Cogeca, representing European farmers and agri-cooperatives, strongly oppose the patenting of plants. Beyond the ethical and moral concerns, patents pose a serious threat to the pluralistic and competitive breeding landscape that prevails in the EU. Unlike patents, the CPVR includes a breeder's exemption, which allows protected varieties to be used freely in further breeding. This feature ensures ongoing innovation, promotes biodiversity, and aligns with the collective interest of farmers, breeders, and consumers.

However, if patenting of plants obtained from NGTs were made possible, the main beneficiaries would be large breeding companies with a significant market share. In addition to market dynamics, this would also affect the availability of diverse plant varieties. The result would most likely be a concentration of so-called cash crops, i.e. varieties with a high financial return.

In addition, granting patent rights on plants can extend to food products themselves. Such patents pave the way for monopolies, allowing a handful of corporations to control pricing, distribution, and access to key food items. This concentration of power can make food less affordable and accessible, especially for vulnerable populations, and poses significant risks amid rising global trade tensions and geopolitical instability. Furthermore, it limits consumer choice and undermines traditional food supply chains, as local producers may be unable to compete or even use certain ingredients without facing legal or financial barriers.

While the farming community seeks to use plants obtained by new genomic techniques, it also seeks to continue choosing from a wide range of plant varieties.

The Whitepaper "Mitigating impact of patents on plants obtained from New Genomic Techniques (NGTs)", drafted by the three legal scholars Prof. Dr. Metzger, Prof. Dr. Zech and Dr. Kock, explores a solution to allow patenting and simultaneously guarantee full breeders' exemption. This would eliminate the negative economic consequences and preserve the diverse breeding landscape in the European Union.

Copa and Cogeca therefore fully support the proposal outlined in the White Paper (See Annex) and strongly urge negotiators to adopt this approach during the trilogue discussions to find a viable solution that protects European breeders and farmers from the negative impacts of patent protection.

Furthermore, to ensure legal certainty and protect the foundations of plant breeding innovation in Europe, a total exemption from patent protection for plant breeders is already well established in **Article 92 of Regulation (EC) No 2100/94**, which **explicitly states the prohibition of cumulative protection. Applying the same principle, an explicit patent exemption for plant breeders, enshrined in an EU NGT Regulation, would ensure that plant breeders retain free access to all genetic material that includes patents for further breeding purposes.**

We trust that our recommendations will be considered as the legislative process moves forward.

Yours faithfully,



Elli Tsiforou
Secretary general



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