

**PFP Position Paper: Response to the EC Call for Evidence on Secondary Legislation
Implementing the NGT Regulation (EU) 2026/1388**

Primary Food Processors (PFP) welcome the opportunity to provide input to the European Commission's Call for Evidence regarding secondary legislation under Regulation (EU) 2026/1388 on plants obtained by new genomic techniques (NGTs). As a central link in the EU agri-food supply chain, processing over 220 million tonnes of agricultural raw commodities every year (cereals, cocoa, oilseeds, soybeans, starch potatoes and sugar beets), PFP members rely on a stable, secure, and competitive supply of raw agricultural commodities.

NGTs represent a transformative tool that has the potential to contribute to the resilience, sustainability, and competitiveness of European agri-food chain, by enabling the faster development of crop varieties with traits that in some cases may also be achievable through conventional breeding. However, the real-world success of Regulation (EU) 2026/1388 relies entirely on the **clarity, predictability, and workability of its secondary acts**.

PFP urge the European Commission to ensure that the upcoming Delegated (under Article 25) and Implementing Acts (under Articles 26 and 27) achieve three main goals:

1. **Unlocking agronomic and processing benefits for EU value chains** through a science-based, simple, harmonized verification framework for Category 1 NGT plants.
2. **Safeguarding international trade and supply security** by establishing workable, non-discriminatory pathways that incentivize third-country breeders and align with commodity trade realities.
3. **Providing legal certainty and practical compliance tools** for Category 2 NGT plants, particularly regarding analytical detection and identification and commercial handling conditions.

1. Delegated Act: simple and harmonized verification for Category 1 NGT Plants

Category 1 NGT plants could have been obtained via natural or conventional breeding. Once verified, **Cat. 1 NGT plants and their derived products must be treated like conventional without unnecessary administrative or analytical burdens**. A smooth internal market should be ensured without additional testing and traceability, following a **homogeneous and harmonised implementation across Member States**.

Unlocking benefits for EU farmers and processors

Properly designed rules will accelerate the delivery of valuable traits to EU farmers and primary processors. For example, NGTs offer targeted solutions for the PFP sectors:

- **Climate & stress resilience:** improved drought and heat tolerance ensures consistent crop yields and raw material quality under increasingly frequent extreme weather conditions (e.g., sunflower, wheat).
- **Disease resistance & food safety:** enhanced fungal disease resistance potentially reduces the need for crop protection products, while lowering mycotoxin formation risk, a critical food safety benefit for processors, feed manufacturers, and consumers.
- **Input efficiency:** better nitrogen-use efficiency helps farmers lower fertilizer inputs and meeting EU sustainability goals, while maintaining productivity.
- **Quality & processing stability:** for wheat, improved grain characteristics yield predictable baking, milling, and crushing performance while mitigating issues like pre-harvest sprouting.

Regarding oilseeds, NGTs offer the potential for nutritionally enhanced fatty acid chains and/or increased protein and fat content.

Principles for the Verification Framework

- **Strict harmonization across the Single Market:** verification requirements must be defined at EU level. Divergent national interpretations, additional documentation, or country-specific monitoring would fragment the single market and severely disrupt intra-EU commodity movements.
- **Digital & transparent:** PFP strongly support a centralised, user-friendly, digital EU public register listing all verified Cat. 1 NGT varieties to ensure legal certainty and transparency. Processors need an efficient tool to check compliance without establishing complex internal tracking systems for products that are conventional-like.
- **No post-verification commodity burdens:** once a variety achieves Category 1 status, no additional documentary, analytical testing, or traceability requirements should apply downstream. The Delegated Act must explicitly prevent the creation of *de facto* distinctions or secondary labelling for Category 1 commodities and derived products.
- **Proportionate data & patent declarations:** information requirements should be strictly limited to what is necessary to demonstrate equivalence to conventional plants. Patent declaration and licensing workflows under Article 25 must remain transparent and clear to protect legal certainty, safeguard access to genetic diversity and avoid creating regulatory bottlenecks.
- **Clarification of trait exclusions:** the Commission must clarify vague terms in Annex II exclusions, such as "production of a known insecticidal substance" to avoid legal ambiguity.

2. Preserving International Trade and Sourcing Security

EU primary food processors rely on both domestic harvests and imports to meet EU food and feed demand. Because major exporting partners operate under differing regulatory approaches for NGT crops and products, the EU secondary legislation must account for global trade flows to avoid trade disruptions.

- **Incentivising third countries submissions:** The EU verification system must be accessible and straightforward also for non-EU breeders. If non-EU developers find the EU verification process burdensome, unverified NGT crops could enter international supply chains, placing EU importers and downstream users at severe risk of non-compliance.
- **International cooperation & transparency:** The Commission should engage with third country authorities and international seed associations to facilitate information exchange. PFP support long-term efforts toward global registries or shared public-private databases to track commercial releases worldwide.

3. Implementing Act: Category 2 NGT Plants and Method Feasibility

Category 2 NGT plants remain subject to adapted GMO rules. For primary processors handling high-volume commodities, practical compliance mechanisms are essential when analytical distinction is technically challenging.

Operational reality in commodity processing

In high-volume processing facilities, testing methods must deliver fast and accurate results. A detection method that is scientifically possible in a specialized research laboratory but requires excessive cost or days to complete is unworkable for real-time commercial operations.

Where quantitative analytical detection is technically unfeasible (e.g., single nucleotide edits indistinguishable from natural mutations), the Implementing Act must establish alternative

compliance arrangements. Primary food processors cannot be left with legal liability when reliable commercial testing tools are unavailable.

Summary of PFP recommendations for the European Commission

1. **Keep Category 1 Verification Simple & Harmonized:** Maintain a predictable, streamlined verification system that treats verified Cat, 1 NGT crops as conventional commodities without national gold-plating or downstream testing.
2. **Build a Public Digital EU Register:** Establish a centralized, user-friendly portal for all Category 1 NGT approvals to ensure supply chain transparency.
3. **Engage Key International Trading Partners:** Make EU verification procedures accessible to trade partners and support third-country registration to protect EU food and feed security.
4. **Anchor Analytical Feasibility in Commercial Reality:** Base Category 2 detection requirements on rapid, cost-effective methods, and provide explicit alternative compliance mechanisms when testing is infeasible to ensure legal certainty for chain operators.

PFP remain available and committed to further engage in the implementation strategy of the Commission to ensure a smooth application of the NGT regulation. We believe that a clear, proportionate and harmonised implementation framework for NGT plants and their derived products will benefit EU farmers, processors and consumers alike, while supporting innovation and competitiveness throughout the European agri-food value chain.