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**COCERAL-FEDIOL-FEFAC JOINT RESPONSE TO CALL FOR EVIDENCE ON THE IMPLEMENTATION OF
REGULATION (EU) 2026/1388 ON PLANTS OBTAINED BY CERTAIN NEW GENOMIC TECHNIQUES AND THEIR
PRODUCTS**

COCERAL, FEDIOL and FEFAC welcome the possibility to provide views on the Call for evidence on the secondary legislation on plants obtained by new genomic techniques (NGTs). Our associations, representing the EU grain and oilseed trade, crushing and feed industries, support the European Commission's efforts to ensure a swift, effective, and consistent implementation of the NGT Regulation in a global context characterized by diverging regulatory approaches.

Given the contribution that NGT plants and their products can make to tackle major global issues like climate change, food insecurity, and environmental strain, it is fundamental that all implementation tools ensure a framework that is **workable, predictable and proportionate** for all actors of the food and feed supply chain, from EU and non-EU breeders down to traders, crushers and feed manufacturers that will handle NGT commodities, taking into account the bulk nature of international commodity trade and diverging regulatory approaches. This is key to support the competitiveness of EU agricultural value chain, smooth international trade and European food security.

Executive Summary

COCERAL, FEDIOL and FEFAC call on the European Commission to:

- Adopt a **workable, predictable and proportionate** implementation framework.
- Make the **EU verification and authorisation systems attractive**, both for EU and non-EU breeders, to ensure the effective marketing of compliant products in the EU. In that regard, we believe the Commission as well as EU and non-EU national authorities have a key role to play to ensure that global operators are aware of the EU requirements.
- **Allocate responsibility clearly across the chain**: developers and applicants should remain responsible for verification, authorisation and the completeness of the underlying regulatory dossier, so that traders and processors are not expected to resolve gaps left by applicants, developers or suppliers.
- Ensuring that **Category 1 NGT plants and their products are effectively treated as conventional**.
- **Secure compliance tools for Category 2 NGT plants**, recognising that reliable identification, detection and quantification methods, adapted to routine and continuous operations, considering turn-around times and cost, are essential for operators handling bulk agricultural commodities. Ensure same and consistent level of requirements would be implemented in EU by Member States control authorities to prevent divergent national requirements or procedures.
- Ensure consistency with WTO SPS and TBT obligations.

➤ **CALL FOR A WORKABLE, PREDICTABLE AND PROPORTIONATE IMPLEMENTATION FRAMEWORK SUPPORTING THE TRADE AND PROCESSING OF COMPLIANT CONVENTIONAL-LIKE CATEGORY 1 NGT PLANTS**

The delegated act to be adopted under Article 25 of the Regulation should provide clear and simple rules to ensure a predictable determination of NGT category 1 plant status, **ensuring that Category 1 NGT-plants and their products are effectively treated as conventional**, in coherence with the logic and objectives of the Regulation itself. The corresponding verification procedure should remain as proportionate, workable and easy to navigate as possible.

Category 1 NGT plants and products should be able to be traded, stored, processed and placed on the EU market with the same operational simplicity as conventional commodities. Once verified as a Category 1 NGT plant, no additional documentary, testing or traceability obligation should apply to the commodity merely because of the breeding technique used¹. The implementation framework should explicitly avoid creating a *de facto* distinction between commodities. This principle should be reflected consistently in the delegated act, EFSA guidance and national control practices. It will be of upmost importance that the Commission will ensure that such an approach is not questioned by Member States, with a view to provide predictability and avoid any potential disproportionate national requirements that could in practice hinder the placing on the market of Category 1 NGT products.

To ensure smooth trade of bulk commodities such as grains and oilseeds in a context of diverging regulatory approaches globally, it is particularly important that the future EU framework **incentivises also non-EU developers to comply with the EU verification process, ensuring that products sourced from non-EU countries and placed on the EU market will be fully compliant**. The EU verification process for Category 1 NGT plants and products must be easily understood and not overly burdensome for breeders. Its outcome must also be directly usable by traders, crushers and feed manufacturers without further verification or downstream assessment. Facilitating compliance of worldwide production chains is essential for both the competitiveness of EU value chains and for the EU food and feed security.

In this context, **third-countries authorities as well as breeders' associations would have a specific role to play**. The Commission should engage in close cooperation with these actors and countries, especially those with whom the EU has preferential trade relationships, with the objective of de-risking the global bulk trade of grains and oilseeds by educating and encouraging breeders to respect the EU framework. This is particularly relevant considering the specific traits excluded from the Category 1 status under Annex II of the Regulation, which are specific to EU legislation, and which might not be easily detectable nor identifiable. In this respect, we also consider that the trait relating to the *"production of a known insecticidal substance"* needs further clarification by the Commission.

➤ **CALL FOR EFFICIENT CATEGORY 2 NGT PLANTS TESTING METHODS**

EU traders and downstream operators in the food and feed chain should be able to rely on a robust legal framework ensuring that domestic and imported products comply with EU legislation. In that regard, **detection, identification and quantification methods for Category 2 NGT plants and product are indispensable compliance tools**.

Any absence of a reliable testing method for a Category 2 NGT plant and product raises significant concerns for operators handling bulk commodities. Importers and downstream users cannot reasonably be expected to bear the risk of non-compliance and therefore require testing methods that are scientifically reliable, economically feasible and compatible with the realities of commodity trade

¹ Without prejudice to the specific labelling and transparency requirements applicable to Category 1 NGT plant reproductive material, as foreseen by Article 10 of Regulation 2026/1388.

and processing to verify the absence of a Category 2 NGT plant or product from the conventional stream. Primary responsibility for developing and validating such methods should rest with the developer or applicant seeking authorisation, not with downstream operators.

Article 14(1)(l) and Article 20(2) second paragraph of the Regulation foresees that, when duly justified by the applicant or whenever the EURL concludes that *“it is not feasible to provide an analytical method for identification and quantification, the arrangements for complying with analytical method performance requirements shall be adapted as set out in the implementing act”*. **This provision calls the following remarks:**

- In our view, this provision **cannot lead to allowing the authorisation of a Category 2 NGT plant or product without any testing methods validated at EU level, providing results beyond reasonable doubts**. Such an interpretation would be contrary to the principle set out in Articles 14(1)(l) first sentence and Article 20(2) first paragraph, as explained in recital 39².
- To ensure smooth operation downstream, Detection and Identification are necessary.
- Considering the specificities of Category 2 NGT plants, the implementing act should preserve the necessity for developers to present efficient and reliable testing methods.

More generally, in assessing the feasibility of testing methods, the implementing act should also account for whether a method can realistically be applied in day-to-day commercial operations. A method that exists in principle but requires disproportionate time or costs cannot serve as a basis for routine verification by operators handling bulk consignments. **Feasibility should be assessed not only in theoretical terms, but also the operational conditions under which the method would have to be applied, including turnaround times and cost proportionality.**

To ensure a smooth trade and processing activities and predictability for operators across the food and feed chain, the requirements for demonstrating compliance should be applied uniformly at EU level. Diverging national documentation requirements or nationally specific analytical procedures would fragment the single market and create additional barriers for intra-EU trade and imports, without adding to the level of protection pursued by the Regulation.

➤ **CALL FOR ENHANCED MARKET INTELLIGENCE, TRADE CONTINUITY AND A CLEAR FRAMEWORK TO DERISK THE SUPPLY CHAIN**

EU traders, importers, crushers and feed manufacturers need timely and reliable information on NGT plants and products being developed and commercialised in EU and in third countries. In this respect, **EU and third countries national authorities** have again a key role to play in ensuring transparency and timely official communication, including through the establishment and maintenance of **publicly accessible registers**. The Commission should support these transparency objectives by engaging with third countries and developers to facilitate the exchange of relevant information. In the longer term, consideration should be given to establishing a **global transparency register**, or public-private registries, providing market participants with a consolidated source of information on the commercial release and regulatory status of NGT plants and products worldwide.

² Recital 39: *“The ENGL, with the support of the EURL GMFF, has identified analytical challenges and limitations associated with the identification and quantification of certain plants and products obtained by targeted mutagenesis and cisgenesis. (...) In such cases, **an analytical method should still be provided by the notifier or applicant**, but, if duly justified, it should be possible to adapt the arrangements for complying with analytical method performance requirements”*.

In addition, given the divergence between regulatory frameworks governing NGT commodities in the EU and third countries, as well as the increasing development and cultivation of these products worldwide, the Commission should engage with food and feed business operators to realistically address the potential presence of non-authorized NGT-derived plants and products. In this context, appropriate clarity on reasonable due diligence expectations and support for a proportionate approach to compliance, considering the practical tools and information available to operators, should be given due consideration in reflecting on the concrete implementation of this new Regulation. Enhanced transparency regarding the regulatory status of NGT products globally would further contribute to legal certainty and the smooth functioning of international supply chains.

This is critical to reducing the risk of trade disruptions and maintaining the smooth functioning of agricultural commodity supply chains.

Finally, the implementation package should also be designed in a manner that is fully consistent with the Union's WTO SPS and TBT obligations.

COCERAL, FEDIOL and FEFAC remain fully committed to engaging constructively during the implementation process to achieve the goals outlined above.

COCERAL is the European association of trade in cereals, oilseeds, pulses, olive oil, oils and fats, animal feed and agrosupply. It represents the interest of the European collectors, traders, importers, exporters and port silo storekeepers of the above-mentioned agricultural products. COCERAL's direct members are located in 14 EU countries, with one European association, Unistock representing the professional portside storekeepers for agribulk commodities within the EU and one associated member in Switzerland. With about 3,000 companies as part of COCERAL national members, the sector trades agricultural raw materials destined to the supply of the food and feed chains, as well as for technical and energy uses. Gafta is an extraordinary member of COCERAL.

FEDIOL, the EU vegetable oil and protein meal industry association, represents the interests of the European oilseed crushers, vegetable oil refiners and bottlers. FEDIOL members are 10 national associations and associated company members in 7 other EU countries. With about 180 facilities in Europe, the sector provides 20,000 direct employments. Its members process approximately 55 million tonnes of basic products a year, both of EU origin and imported from third country markets. The sector processes notably rapeseed, sunflower seed, soybeans and linseed into oils and meals for food, feed, technical and energy uses essentially on the European market.

FEFAC, the European Compound Feed Manufacturers' Federation, represents 23 national Associations in 23 EU Member States as well as Associations in Switzerland, Turkey, Serbia, Russia and Norway with observer/associate member status. The European compound feed industry employs over 100,000 persons on app. 3,500 production sites often in rural areas, which offer few employment opportunities.