Northern Ireland Assembly

Windsor Framework Democratic Scrutiny Committee

OFFICIAL REPORT (Hansard)

Proposal for a regulation on plants obtained by certain new genomic techniques and their food and feed and amending Regulation (EU) 2017/625: DAERA: Food Standards Agency NI

8 May 2025

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Proposal for a regulation on plants obtained by certain new genomic techniques and their food and feed and amending Regulation (EU) 2017/625: DAERA: Food Standards Agency NI

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Members present for all or part of the proceedings:
Mrs Ciara Ferguson (Chairperson)
Mr David Brooks (Deputy Chairperson)
Mr Jonathan Buckley
Ms Joanne Bunting
Mr Declan Kearney
Ms Emma Sheerin

Witnesses:

Mr Colin Coates	Department of Agriculture, Environment and Rural Affairs
Mrs Sharon Gilmore	Food Standards Agency NI

The Chairperson (Ms Ferguson): Without further ado, I welcome Sharon Gilmore, head of standards and dietary health at the Food Standards Agency (FSA) NI; and Colin Coates, policy adviser with the Department of Agriculture, Environment and Rural Affairs. Thank you very much, Sharon and Colin, for coming along this morning. I will open it up to you to brief the Committee when you are ready. Thank you.

Mrs Sharon Gilmore (Food Standards Agency NI): Thank you very much. I will start with an opening statement on some of the policy proposals, if that is OK. Thank you, Chair and members, for the opportunity to brief the Committee this morning. As you mentioned, I head up the standards and dietary health team at the Food Standards Agency. I am here today to answer your questions on aspects of this EU proposal that relate to the FSA's remit in Northern Ireland, namely the placing on the market of new genomic techniques (NGTs) of plants for food and feed use.

The FSA is a science- and evidence-led organisation, and our priority is to ensure that Northern Ireland consumers benefit from robust public health protection. It is important to note that this is an EU proposal that has not yet been agreed, and we understand that negotiations are ongoing, so, while we cannot provide an in-depth analysis on every provision, we can set out the broader picture for your consideration.

The EU proposal on NGTs would be a broad piece of legislation that would create a new regulatory framework for plants and derived food and feed developed from NGTs. Currently, gene editing technologies are regulated by the EU under existing genetically modified organisms regulations. The European Commission impact assessment notes that the existing EU legislation does not reflect scientific and technological progress for some NGTs and their products. The European Food Safety Authority concluded that there are no new hazards specifically associated with those techniques and

that, on a case-by-case basis, a lesser amount of data may be needed to undertake risk assessment for those products.

The EU proposal is structured around two categories of plants and their products obtained by NGTs: NGT 1 plants and products, which are considered to be equivalent to conventionally bred plants; and NGT 2 plants and products, which cover all other plants, including category 2 NGT plants for feed and food use obtained through new genetic techniques. The proposal outlines that NGT 1 plants would be verified to establish equivalence with conventional plants and would be exempt from the full requirements of GMO legislation but that category 1 NGT food and feed would still be subject to applicable sectoral legislation on food and feed safety. NGT plants would require notification prior to marketing and require entry in a public register. The proposal notes that category 2 NGT plants for food and feed use would require authorisation, with a detailed risk assessment, prior to being placed on the market. Those NGT 2 plants and products would be reviewed against an adapted version of the current EU regulatory framework for GMOs.

The application for authorisation for category 2 NGT food and feed must still meet the criteria as set out in GMO legislation in that it must not have adverse health effects on human health, animal health and the environment. It must not mislead the consumer and must not be nutritionally disadvantageous. Current GMO traceability and labelling requirements would continue to apply to NGT 2 products. In addition, the labelling would mention the trait conveyed by the genetic modification.

The FSA holds policy responsibility for the safety, labelling and traceability of organisms developed through modern biotechnology when they are used in food and feed in Northern Ireland, England and Wales. We are engaged in four-nation discussions along with officials from Food Standards Scotland, and we are working with DAERA and DEFRA.

This is still at proposal stage and may be amended by the European Parliament and EU member states. We will continue to monitor EU developments. The proposal outlines that additional implementing acts would be adopted to provide more detail on methodology and information requirements, including safety assessments of category 2 NGT food and feed. There is a proposed transition period of two years from when the final EU legislation is published. Further targeted engagement with other Departments and stakeholders will take place when the regulation is published through our existing engagement channels.

Thank you for sharing the written questions. I understand that you have received answers to those, and I am happy to go through some of those if appropriate.

The Chairperson (Ms Ferguson): Thank you, Sharon.

Mrs Gilmore: I would like to introduce Colin.

Mr Colin Coates (Department of Agriculture, Environment and Rural Affairs): Good morning, Chair, Deputy Chair and Committee members. I am the policy lead for genetically modified organisms in the natural environment policy division. Thank you for the opportunity to provide a briefing on the proposal that would be applicable to Northern Ireland, in particular its environmental impact and the area of deliberate release.

As the proposal is at a very early stage, it is difficult to assess its impact at this time. However, some of the implications for cultivation in Northern Ireland would mean that NGT plants would be accessible under EU regulations for cultivation, which would closely align with developments in England under the Genetic Technology (Precision Breeding) Act 2023. However, the approaches of the EU and England differ slightly. The first is on labelling. The GB regulation would not require labelling for products derived from the process of gene editing whereas the EU proposal would require labelling for seeds that were developed using that process. Both regulations will continue to require labelling for all other forms of genetically modified organisms.

The second difference is in the number of edits permitted to a plant. In the EU proposal, there is a proposed cap of 20 edits, which would allow for stricter regulations. In GB, the number of edits is uncapped and considered on a case-by-case basis. Lastly, the EU proposal is applicable only to plants and does not cover animals, whereas the GB regulation is applicable to plants and animals, although no gene editing is currently taking place in the animal sector.

There may be potential for organic sector challenges, as coexistence concerns may arise due to potential cross-contamination between NGT crops and the organic or traditional crop sectors. Again, we are at the very early stages of the proposal, and it is difficult to anticipate what may or may not occur.

Once a proposal in the EU is adopted, further assessment would be required to determine whether any change would be required in Northern Ireland domestic law, again because we are at such an early stage of the EU proposal.

Many thanks for your time. As Sharon said, you have received written responses to your questions. If you have any further questions, we would be more than happy to answer them.

The Chairperson (Ms Ferguson): Thank you, Colin.

Mr Brooks: I will highlight at the outset that I am neither an agricultural expert nor a scientist, so if I ask questions that are simple or if I get the wrong end of the stick, by all means point that out.

Colin talked about the comparable legislation in England — the precision breeding Act — which covers animals as well. This proposal focuses primarily on plants for the moment. Do you think that that places local producers in Northern Ireland at any disadvantage when it comes to the novel practices that are being brought in to increase efficiency and contribute to food security?

Mr Coates: In relation to the EU proposal?

Mr Brooks: Yes.

Mr Coates: Not including animals?

Mr Brooks: Yes.

Mr Coates: As I said, there is nothing ongoing for animals in the gene editing sector at the minute. It is not something, going by the discussions with DEFRA, that is envisaged to take place in the near future. I imagine that the EU may be looking at animals separately from plants, but, again, we will have to wait and see on that front.

Mr Brooks: You will monitor that.

Are plants that are produced using gene editing excluded from the EU proposals for NGT 1 categorisation, compared with the situation in England? How does that feed into the AERA Minister's concern that that could impact on the sanitary and phytosanitary (SPS) agreement that is currently being looked at by the British Government with the EU?

Mr Coates: The Minister is working on the SPS agreement. It is not something that falls under my remit, expertise or knowledge, so I would have to come back to you on that.

Mr Brooks: OK. Thank you very much.

Will the EU requirement to label NGT-produced seeds add any disincentive to horticultural firms seeking to serve Northern Ireland? That is a problem that we have had with bringing seeds into Northern Ireland. I do not know whether that falls within your expertise, or whether it is more of a trade and economy issue, so I do not know whether you can speak to that.

Mr Coates: I probably cannot. Again, it falls under that trade aspect in relation to the labelling of seeds, so it is not something that I am able to comment on.

Mr Brooks: No problem.

How does the coexistence of NGT and non-NGT production manifest itself in practical terms? We have heard concerns about cross-contamination and so on when it comes to GM crops. Are there similar concerns in that regard?

Mr Coates: Yes, it has been raised by other devolved Governments in relation to the precision breeding Act and how that will be addressed. Again, discussions about how that will be approached and whose responsibility it will be — the existing organic sector or the new precision bred (PB) crop producers — are at a fairly early stage. There are ongoing discussions about that. As the proposal moves along, we may need to issue some sort of guidance on distances between crops and those sorts of things and on the protective measures that we need to put in place.

Mr Brooks: Thanks very much.

On reading the answers that you provided, I was struck by the lack of engagement that there has been so far with stakeholders. I understand that it is at an early stage, but surely the Department and the Minister should be proactively engaging with the Ulster Farmers' Union (UFU) about its concerns. It is unsatisfactory for us that there are specifics that, at times, we have to look at without the fullness of the information, although we understand that the information might not yet be available, but I imagine that the likes of the Ulster Farmers' Union is watching these kinds of things pretty closely as well and will have general concerns around direction. Is there any engagement between the Department and stakeholders such as the UFU on these issues at an early stage?

Mr Coates: I am not aware of any engagement that is taking place. It is something that is on the agenda to do. It is essential that we engage with the UFU as the main stakeholder, probably, in relation to the proposal. It is something that we are looking to carry out.

Mr Brooks: I represent East Belfast, where there are not many farms and that about. A proactive approach would probably be helpful, but I will leave it to people who are more in tune with agriculture to press on that point.

One of the written questions was:

> *"Have any changes to the proposal been suggested by the Council of the EU or the European Parliament which could have a significant impact in Northern Ireland?"*

A general answer was given. Is there any insight into what changes have been suggested already and what changes are being brought forward? Are there any of particular significance to us in that regard?

Mr Coates: The proposal went through Coreper fairly recently; I think that it was in March. It is with the institutions now in Europe. There is no indication —.

Mr Brooks: No further information.

Mr Coates: There is no further information on that at the moment.

Mr Brooks: That is grand.

Mrs Gilmore: May I follow up on some of those answers, please?

Mr Brooks: Yes, sure.

Mrs Gilmore: Colin is right in saying that the precision breeding Act is about animals and plants. In England, parliamentary processes are taking place for a regulatory framework for plants only — no such framework is being progressed for animals — which is similar to the approach of the NGT proposal. The FSA is involved in that regulatory framework for precision breeding of plants in England, and we have been carrying out stakeholder engagement on views on precision breeding and gene editing, so we have involved our Northern Ireland stakeholders in that even though the approach is England-only.

Our industry in Northern Ireland has been involved in the technology of gene editing, and, in 2022, we carried out consumer research into that that included Northern Ireland, England and Wales. The technology is similar in some ways, as the chief scientific adviser said this morning, so we have introduced that idea, and we can see that, at the moment, consumers are more accepting of it with plants than with animals. The more that they hear about gene editing, the more accepting they are.

Mr Brooks: Yes, so attitudes are softening to some elements of it, but, for others —.

Mrs Gilmore: A lack of knowledge came through in our consumer perceptions.

Mr Brooks: What you are saying, I guess, is that further regulation is not deemed necessary because there is no incentive for a lot of businesses to follow that route, particularly in food production and so on.

Mrs Gilmore: Yes, that is right.

Mr Brooks: Thank you very much; that is much appreciated.

Mr Kearney: Thank you for coming in. You made clear the intention to engage directly with stakeholders, including the UFU and others. Your written material makes it clear that it would not be appropriate to open such engagement when the provisions in the proposal have yet to be completely bottomed out and finalised, which makes a lot of sense. When do you hope to have finalised provisions, allowing the engagement with stakeholders to take place?

Mrs Gilmore: It is difficult to put a timeline on that. We know that they are going through negotiation in Europe at the moment, with EU member states all involved. We are not involved in that, so it is difficult. Along with colleagues in England, we are monitoring what the EU is doing. Colleagues in our central team on precision breeding have spoken with and presented to EU member states and the European Parliament as part of discussions about NGTs.

Mr Kearney: First class. Thank you.

The Chairperson (Ms Ferguson): I have two further questions. Can you confirm whether precision bred organism (PBO) food products from England can and will continue to be sold in the North under the retail movement scheme? What is your assessment of the implications of that for consumers and producers in the North, in competition, for example?

Mrs Gilmore: If the EU were to implement the proposal as it is at the moment, all PB products from England would be considered to be genetically modified organisms under EU legislation, so they would need to be authorised and labelled as GMO before they could be placed on the EU market. Under the Windsor framework, it would be the same for Northern Ireland. The Windsor framework ensures that foods that meet public health standards will be available for sale in Northern Ireland, but the precision breeding Act is England-only, so those products cannot currently be moved into Northern Ireland. There are no authorised PB products at the moment, however. The legislation is still going through in England, and we know that the UK Government line is that they will introduce the necessary legislation to ensure that eligible PBO products can move through the Northern Ireland retail movement scheme in the near future, when parliamentary time allows. At this time, there are no authorised PB products to come into Northern Ireland; the UK Government intend to work towards putting the legislation in place to allow that to happen.

The Chairperson (Ms Ferguson): There are no other questions from members, so, on behalf of the Committee, I thank you, Sharon and Colin, for your written responses and your presentations. They are much appreciated.