

# Proposal for a new plant breeding law in Switzerland – easing the path for CRISPR/Cas plants

Switzerland is taking a significant step toward a more modern approach to plant breeding. On April 2, 2025, the Federal Council released a proposal for a new Breeding Technologies Act along with its explanatory report. At the heart of the proposal are measures to ease restrictions on plants developed using new genomic techniques such as CRISPR/Cas. The draft bill promises to strengthen Switzerland’s position as a hub for agricultural innovation and cultivation.

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## A new chapter for Swiss plant breeding

On 2 April, 2025, the Federal Council (Swiss government) initiated the public consultation process for the Breeding Technologies Act (“**BTA**”) – a new bill proposing to regulate plants developed through new breeding technologies, such as CRISPR/Cas. These technologies enable targeted genetic modifications, without introducing foreign DNA into the target organism’s own DNA.

Under the current law, these organisms are treated identically to those created through conventional genetic engineering and are therefore subject to the strict provisions of the Genetic Engineering Act (“**GEA**”), including the ongoing moratorium on cultivation in Switzerland.

The Federal Council’s proposal marks a potential shift in the regulatory landscape. It introduces a risk-based authorization system designed to reflect both the potential of new breeding technologies and the need for appropriate safeguards. While the draft draws on EU legislation as a reference point, it also reflects Switzerland’s commitment to high safety standards by incorporating enhanced control mechanisms aimed at addressing consumer concerns.

## What's changing? Key highlights of the draft breeding Technologies Act

### Scope of application

The Draft BTA would apply to plants produced using new breeding technologies, such as targeted mutagenesis or cisgenesis (Art. 2 para. 1 and Art. 4 lit. b of the Draft BTA). These include the CRISPR/Cas method, which enables the precise cutting of a plant's DNA at predetermined locations. By cutting the DNA, specific properties of the plant can be adjusted, making it more resistant to drought or heat, for example. In contrast to traditional genetic engineering, these technologies permit genetic modifications at exact sites within the DNA, making them more precise.

Importantly, the draft BTA would exclude plants created using genetic engineering technologies that insert genes from other species into the DNA of the organism. These would remain governed by the current Genetic Engineering Act, which continues to impose a moratorium on cultivation in Switzerland (Art. 37a para. 1 GEA).

### A three-stage authorization process

The draft BTA is proposed to regulate the handling of plants derived from new breeding technologies and applies across all relevant sectors, notably agriculture, forestry, and horticulture.

As is already the case under the Genetic Engineering Act, the draft BTA would introduce a streamlined, three-stage process:

- **Closed-system handling (Art. 8 draft BTA):** Initial research must be conducted in controlled environments such as laboratories or greenhouses. These controlled settings are used to generate the data needed to assess the risks of handling the plants in the environment is generated. Appropriate containment measures must be implemented to safeguard humans and the environment. Depending on the risk potential of the specific plant, closed-system handling may require only notification or a formal authorization.
- **Release trials (Art. 9 et seq. draft BTA):** To advance from the laboratory to field application, researchers must conduct release trials in controlled outdoor settings. Release trials of plants from new breeding technologies are subject to authorization. A key condition for authorization is that the necessary scientific insights cannot be gained within a closed system.
- **Market authorization (Art. 11 et seq. draft BTA):** The commercialization – through sale, exchange, or import – of plants derived from new breeding technologies would require regulatory authorization. One core requirement is that the plant must demonstrate a tangible benefit to agriculture, the environment, or consumers. To this end, comparative data from release trials, using the unmodified original plant as a reference, must be submitted.

Under the new regime, plants from new breeding technologies would no longer fall under the moratorium on cultivation, marking a major shift in regulatory policy.

### Simplified authorization paths

According to the draft BTA, obtaining authorization, particularly for release trials and placing on the market, would be easier than under the current Genetic Engineering Act. Based on existing knowledge and experience, two procedures are envisaged:

- **Comparability-based authorization:** If an applicant can demonstrate that a plant developed through new breeding technologies exhibits biological properties and genetic modifications comparable to those of an already authorized plant, a full authorization procedure is not

required. Notably, the complex and costly environmental risk assessment will be waived in such cases. This streamlined pathway represents a substantial simplification compared to the current legal framework.

- **Full environmental assessment:** Where no comparable plant has previously been authorized, the applicant must undergo the standard authorization process. This includes, among other requirements, a comprehensive environmental risk assessment, evaluating potential risks to humans, animals, and the environment. To ensure legal certainty and transparency, plants deemed safe following this assessment would be published, along with the relevant information.

These differentiated procedures aim to create a more efficient, science-based regulatory system while maintaining robust safety standards.

### **Clear labelling to safeguard consumer choice**

To uphold consumer autonomy and informed decision-making, the draft BTA would require clear labelling of plants developed using new breeding technologies once they are placed on the market (Art. 14 BTA). This obligation extends to all products containing such plants, including processed foods.

Labels must explicitly state that the product is “*from new breeding technologies*” or “*from new genomic processes*”.

This labelling enables individuals such as farmers or consumers to easily recognise that the plants are derived from new breeding technologies and to make informed decisions on the use or consumption of these plants.

### **What’s next?**

While the draft BTA holds promise for boosting innovation and cultivation in Swiss agriculture, it must first undergo the full legislative process. The proposal now enters a consultation period, during which stakeholders can voice their support or concerns.

Given Switzerland’s historically cautious stance on genetic engineering, we expect an engaged public debate on the topic. The final version of the BTA must pass through Parliament and could ultimately face a referendum.

If passed, the BTA would introduce a more streamlined regulatory framework for the use of new breeding technologies in Switzerland, while retaining existing consumer protection standards.

Please do not hesitate to contact us in case of any questions.

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