



17 September 2020

## Re. Strengthen EU GMO policy to achieve EU Green Deal objectives

Dear Commissioner Kyriakides,

With this letter, we are expressing concern that you may consider a separate, light-touch regulatory regime for genetically modified organisms (GMOs) derived from genome editing and other new GM techniques. We are asking you instead to strengthen EU GMO policy, in particular as regards consumers' right to know, freedom of choice for breeders, farmers and processors and the democratic scrutiny of EU GMO decisions.

### Empty promises vs documented problems

The Farm to Fork Strategy states that the Commission is "carrying out a study which will look at the potential of new genomic techniques to improve sustainability along the food supply chain". However, the Council has not mandated the Commission to investigate the potential of new GM technology to improve sustainability. It has raised practical issues linked to the enforcement of EU GMO rules as interpreted by the European Court of Justice<sup>1</sup>, which we believe can be overcome with the Commission's support.

In fact, it is highly unlikely that new GM technology will contribute to reducing the negative impacts of farming on the environment and climate. So far, two genome-edited GMOs have made it to market, neither of which is a hardier plant or helps to reduce pesticide use.<sup>2</sup> Promises to create drought-resistant crops and to reduce pesticide use are as old as GM technology.<sup>3</sup> These promises have failed, not least because stable yields in an unstable climate are a matter of sound farming practices and locally adapted seeds, and can hardly be achieved with seeds produced by multinational companies to suit a globalised, input-heavy industrial farming model.

As with old-style GMOs, the intellectual property (IP) rights on new GM technology are in the hands of a few global corporations. For example, US company Corteva has acquired licenses for agricultural applications of CRISPR-Cas from all relevant players (Broad Institute, Caribou Biosciences etc.) and

<sup>1</sup> Ruling of 25 July 2018 in case C-528/16

<sup>2</sup> One is an oilseed rape engineered to tolerate spraying with herbicides (Cibus' SU Canola), the other one is a soybean with altered oil content (Calyxt's High Oleic Soybean).

<sup>3</sup> Greenpeace International (2015). Twenty Years of Failure. Why GM crops have failed to deliver on their promises.

now offers sublicenses to those wanting to use the technology.<sup>4</sup> Such practices not only slow innovation and raise prices<sup>5</sup>, thereby increasing production costs. They also accelerate seed industry concentration and block the much-needed development of locally adapted varieties by farmers and small breeders.

In addition, there is ample evidence of genetic errors arising from the application of new GM technology, which can have important safety implications.<sup>6</sup> These issues are well-recognised in medical applications of genome editing,<sup>7</sup> but often brushed aside when it comes to agricultural uses of the same tools.

- When carrying out the study for the Council, the Commission should critically assess the promises of societal benefits and pay close attention to well-founded concerns over seed industry concentration, environmental and consumer safety and farmers' rights.

### **Full application of EU GMO law**

In the press conference on 27 May, you also said the study would provide “a great opportunity to assess the status of these techniques, in particular in view of the European Court of Justice ruling of July 2018”. You mentioned a “potential change in policy” that could be envisaged after the study has been finalised.

It is worth recalling the reasoning behind the Court's important judgment. The Court said that an exclusion of new GM techniques from the scope of the EU GMO Directive would “compromise the objective of protection pursued by the Directive and would fail to respect the precautionary principle which it seeks to implement”.<sup>8</sup> In light of this judgment, any suggestion that the Commission may ease the regulatory requirements for new GMOs calls into question the principle that the EU's high food safety standards are based on.

- The Commission should fully implement the ECJ ruling rather than circumventing it by amending the European Directive on GMOs.

### **Robust consumer rights**

In the Farm to Fork Strategy, the Commission promised to empower consumers to make “informed, healthy and sustainable food choices”. A new sustainable labelling framework will cover “the nutritional, climate, environmental and social aspects of food products”. We applaud these intentions and suggest that you use the opportunity to also close a glaring gap in the EU's GMO labelling rules, by which milk, eggs and meat from animals reared on GM feed do not have to be labelled. Most consumers are unaware of this and may choose to avoid such food if they had the opportunity.

- The Commission should strengthen the EU's GMO labelling regulation so as to close the labelling gap for animal products.

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<sup>4</sup> Labiotech.eu, [Broad Institute Loses Appeal on European CRISPR Patent](#), 24 January 2020

<sup>5</sup> Torshizi, Mohammad and Clapp, Jennifer (2019). [Price Effects of Common Ownership in the Seed Sector](#)

<sup>6</sup> Eckerstorfer MF et al (2019). [An EU perspective on biosafety considerations for plants developed by genome editing and other new genetic modification techniques \(nGMs\)](#)

<sup>7</sup> Nature, [CRISPR gene editing in human embryos wreaks chromosomal mayhem](#), 25 June 2020

<sup>8</sup> Judgment in case C-528/16, point 53.

## Full accountability towards EU citizens

Past experience shows that, in the case of GMOs, the Commission has *always* decided on their EU authorisation unilaterally, without the backing of a qualified majority of EU member states. Votes have been held in secret, and no information has been provided about how individual countries positioned themselves. It has also ignored numerous objections by the European Parliament.

This situation is untenable as it compromises the EU's democratic credentials and undermines the protection of public health and the environment. In 2015 and 2017, the Juncker Commission presented two timid proposals to address some of the issues.<sup>9</sup> However, these proposals are insufficient to establish full accountability and restore citizens' trust in democratic decision making.

- The Commission should withdraw its earlier proposals and table a new proposal that requires a qualified majority of EU member states for any decision to allow potentially hazardous products and organisms used in food production.<sup>10</sup>

In the meantime, several authorisation decisions are pending, including on the cultivation of three GM maize varieties,<sup>11</sup> and the import of a GM soybean made tolerant to three different herbicides.<sup>12</sup>

- The Commission should withdraw these draft authorisation decisions and propose non-authorisation instead.

Commissioner Kyriakides, experience shows that genetic engineering has increased the use of agrichemicals and contributed to monoculture farming that destroys nature and starves pollinators. It has driven concentration in the seed sector and raised farmers' production costs.

Fortunately, the EU has largely stayed out of this experiment, which has failed so miserably in the Americas. In the meantime, GM technology has evolved but the socio-economic context remains the same. GM technology is still an instrument of corporate control over food production. The EU should steer clear of it and focus on the actions needed to achieve the Green Deal objectives of climate and biodiversity protection, and consumer choice.

We would be pleased to discuss these issues in a meeting with you.

Yours sincerely,

Jagoda Munic, director Friends of the Earth Europe.

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<sup>9</sup> COM(2015) 177 final, COM(2017) 85 final

<sup>10</sup> [Letter by Friends of the Earth Europe, Greenpeace, HEAL, IFOAM EU and Pesticide Action Network Europe to Commission President Juncker](#), 13 February 2017

<sup>11</sup> [Letter by Friends of the Earth Europe, Greenpeace, IFOAM EU, Safe Food Advocacy, SlowFood and Testbiotech to Commission President Juncker](#), 11 April 2017

<sup>12</sup> [European Parliament resolution of 14 May 2020](#) on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87708 × MON 89788 × A5547-127

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