



**Friends of
the Earth
Europe**

for the people | for the planet | for the future

GM food by the backdoor -

EU seeks to water down safety checks on GM food imports

August 2015

Summary

The European Commission is seeking to fast-track the authorisation process for genetically modified (GM) food by bypassing the full safety checks currently required for any genetically modified organisms (GMOs). The move follows pressure from US negotiators working on the Transatlantic Trade and Investment Partnership (TTIP) deal to ease European restrictions on GM foods. The Commission has given repeated assurances that the EU's GM laws will not be changed by TTIP¹, but now appears to be undermining those laws by seeking to minimise the level of health and safety checks.

What is the EU Commission planning?

Letters obtained by Friends of the Earth Europe reveal that the European Commission has asked Europe's food safety authority (EFSA)² to check which parts of the current, legally-required health and safety checks for GMOs can be skipped.³ The request suggests that the Commission is seeking to water down the EU's health and safety protection, effectively undermining the EU's current zero tolerance approach to GM contamination and bypassing EU labelling requirements.

Under this approach, food containing up to 0.9% of unauthorised GMOs could be imported into the EU and sold on European shop shelves without any warning. Consumers would have no way of knowing that their food was contaminated with GMOs. This would have severe consequences for the food sector as it would mean that low-level GM contamination could not be traced and products could not be guaranteed to be GM-free.⁴

The fast-track procedure would not require a change in EU law, but would fundamentally change the way the law is implemented.

Industry's zero tolerance problem?

For years agribusiness on both sides of the Atlantic have been campaigning to allow food contaminated with non-authorised GM material to be permitted without any form of traceability.⁵ They are particularly keen to get rid of the EU's existing "zero-tolerance" rule, which requires that GMO food or animal feed imports must be authorised for the EU market.

¹ Inside TTIP - An overview and chapter-by-chapter guide in plain English - *Growing and selling genetically modified organisms is subject to an authorisation process in line with EU law. TTIP will not change this law.* (p 22)

http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc_153635.pdf

TTIP QnA: *The EU basic law on GMOs - including the European Food Safety Authority's (EFSA) safety assessment and the risk management procedure - is not up for negotiation. It will not change as a result of TTIP.*

<http://ec.europa.eu/trade/policy/in-focus/ttip/about-ttip/questions-and-answers/>

² Mandate number M-2015-0155, <http://registerofquestions.efsa.europa.eu/roqFrontend/mandateLoader?9>

³ COMMISSION IMPLEMENTING REGULATION (EU) No 503/2013 defines the legally required safety checks for GM food and feed. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:157:0001:0048:EN:PDF>

⁴ for details see http://www.foeurope.org/sites/default/files/foe_briefing_dropping_zero_tolerance_dec2011.pdf

⁵ See letter from EU agribusiness, *Review of the EU's decision-making process to authorise GMOs for food and feed uses*, 30th March 2015, and letter US agribusiness, *U.S. Biotech Crops Alliance*, 12 March 2015, letters seen by FoEE

Under this policy, any food or animal feed imports that are found to be contaminated with unauthorised GMOs are illegal, even if the GMOs are only found in 'trace amounts'.⁶ Under this rule, the burden of proof lies with the producer. So when conventional rice seeds were contaminated in the US with a non-authorised GM variety in 2006, the European Commission was able to demand that US exporters provided guarantees that seed shipments were not contaminated with the illegal GM variety.⁷

The zero tolerance rule provides protection for EU citizens, and also limits the costs to EU taxpayers of verifying that imports meet the standard. Any removal of this 'zero tolerance' policy and its implementing measures would significantly increase the likelihood of contamination of food and seeds by non-authorised GMOs.

US officials want this rule changed and they argue that certification requirements are being used as a barrier to trade.⁸ They believe low-level contamination should be allowed. This would mean that food and seeds contaminated with unlabelled and unauthorised GMOs would be for sale in Europe.

Industry is running a scaremongering campaign:

Evidence from official data suggests that in reality there are very few cases of imports being blocked because of unauthorised GM contamination.

In 2011, the EU introduced an exemption for contaminated feed below a threshold of 0.1%.⁹ Since then, EU countries have reported only two cases where levels of contamination were below the newly introduced legal threshold of 0.1% (See EC response not online available). This suggests that there was in fact no need for the EU to weaken its feed rules. The number of cases is so small as to be economically irrelevant.

The EU's official database (Rapid alert system for food and feed) shows that while there are occasional problems due to contamination with non-authorised GM from other regions, this is mainly down to contaminated rice products from Asia (ref excel file), where the GM rice involved has not even been authorised in the country of origin. The likely source is badly managed field trials. The exporting countries are not likely to seek authorisation for these cases of contamination – and so the EU's light-touch safety approach will not be needed.

What does industry really want?

US negotiators, under pressure from agribusiness lobbyists want easier market access for food that contains low levels of unauthorised GMOs. The EU appears to be finding a backdoor route to meet their demands.

The primary aim of the agribusiness lobby however is to get GM food on shop shelves in the EU. Their strategy is to overcome public opposition to GM food by introducing it by stealth, gradually gaining acceptance.

The industry is also keen to reduce the costs of segregating out GM crops from their harvest. Effectively, industry is demanding the right to contaminate.

⁶ <http://www.foeeurope.org/preventing-contamination> and in more detail:

http://www.foeeurope.org/sites/default/files/foee_briefing_dropping_zero_tolerance_dec2011.pdf

⁷ http://europa.eu/rapid/press-release_IP-06-1120_en.htm?locale=en

⁸ US SPS report 2013 p. 44 *Under the EU's implementation of its biotechnology legislation, the presence in U.S. grain or oilseed shipments of trace amounts of GE crops that are legally grown in the United States, but not yet approved in the EU, can make U.S. crops unmarketable in the EU.* <http://www.ustr.gov/sites/default/files/2013%20SPS.pdf>

⁹ Details see EU regulation 619/2011, [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:166:0009:0015:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:166:0009:0015:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:166:0009:0015:EN:PDF)

What industry wants from the TTIP:

The Biotechnology Industry Organization (BIO) wants a deal that provides “a means to predictably achieve approvals of agricultural biotechnology products” including an extension of the ‘zero tolerance’ technical solution (which allows contamination of animal feed) to “both food and seed”.¹⁰

The American Seed Trade Association (ASTA) wants a ‘technical solution’ that allows certain amounts (up to 0.1%) of GM in animal feeds to be extended to seeds, including “...in those cases where the seed has not yet been approved for cultivation in the EU.”¹¹

The US Wheat Associates have also backed up this demand, stating: “... the European Union needs to implement a low level presence policy (LLP) for food to avoid trade disruptions.”¹²

These demands have been summarised in a joint letter from U.S. Biotech Crops Alliance from April 2015: “to establish a policy covering the low-level presence of biotechnology traits that is commercially feasible and for the Commission to participate formally in the Global Low Level Presence Initiative.”¹³

A European coalition of biotech, seed and some food processing companies has also requested that the zero tolerance policy for GM food and seeds is dropped. “EU policies have not yet addressed the issue of the low-level presence of GM products in seeds, thus limiting the possibilities of EU breeders to work efficiently on seed production and causing serious legal uncertainty for seed companies and farmers. The European Commission is not getting closer to logically extending the existing technical solution for feed also to food and hence bringing coherence into the way test results on not-yet-authorized GM events are interpreted for demonstrating “zero” tolerance.”¹⁴

Friends of the Earth Europe demands that:

- The EU’s ‘zero tolerance’ policy for non-approved GMOs must remain in force. EU law must not be undermined, and food and seed laws must not be weakened.
- The polluter pays principle and a liability regime must be enforced to ensure that companies that contaminate food, seeds and feed with GMOs are held responsible and pay compensation for the economic damage caused by such contamination.

**Prepared by Mute Schimpf, edited by Helen Burley
| August 2015**

Friends of the Earth Europe gratefully acknowledges financial assistance of European Commission’s DG Environment. The contents of this document are the sole responsibility of Friends of the Earth Europe and cannot be regarded as reflecting the position of the funder mentioned above. The funder cannot be held responsible for any use which may be made of the information this document

¹⁰ Comments submitted by Biotechnology Industry Organization (BIO) USTR-2013-0019

¹¹ <http://www.regulations.gov/#!documentDetail;D=USTR-2013-0019-0172>

¹² <http://www.regulations.gov/#!documentDetail;D=USTR-2013-0019-0127>

¹³ letter US agribusiness, *U.S. Biotech Crops Alliance*, 12 March 2015, letter seen by FoEE,

¹⁴ See letter from EU agribusiness, *Review of the EU’s decision-making process to authorise GMOs for food and feed uses*, 30th March 2015, letter seen by FoEE



**Friends of
the Earth
Europe**

for the people | for the planet | for the future

Friends of the Earth Europe

Member Groups

Austria	Global 2000
Belgium (Wallonia & Brussels)	Les Amis de la Terre
Belgium (Flanders & Brussels)	Friends of the Earth
Bosnia & Herzegovina	Centar za životnu sredinu
Bulgaria	Za Zemiata
Croatia	Zelena Akcija
Cyprus	Friends of the Earth
Czech Republic	Hnutí Duha
Denmark	NOAH
England, Wales & Northern Ireland	Friends of the Earth
Estonia	Eesti Roheline Liikumine
Finland	Maan Ystävät Ry
France	Les Amis de la Terre
Georgia	Sakharvelos Mtsvaneta Modzraoba
Germany	Bund für Umwelt und Naturschutz Deutschland (BUND)
Hungary	Magyar Természetvédők Szövetsége
Ireland	Friends of the Earth
Latvia	Latvijas Zemes Draugi
Lithuania	Lietuvos Zaliuju Judėjimas
Luxembourg	Mouvement Ecologique
Macedonia	Dvizhenje na Ekologistite na Makedonija
Malta	Friends of the Earth Malta
The Netherlands	Milieudefensie
Norway	Norges Naturvernforbund
Poland	Polski Klub Ekologiczny
Russia	Russian Social Ecological Union
Scotland	Friends of the Earth Scotland
Slovakia	Priatelja Zeme
Spain	Amigos de la Tierra
Sweden	Jordens Vänner
Switzerland	Pro Natura
Ukraine	Zelenyi Svit

Friends of the Earth Europe campaigns for sustainable and just societies and for the protection of the environment, unites more than 30 national organisations with thousands of local groups and is part of the world's largest grassroots environmental network, Friends of the Earth International.