

Ms Stella Kyriakides, Commissioner for Health and Food Safety
Ms Irene Sacristán Sanchez, Head of Biotechnology Unit, DG SANTE

Copy to: Viola Peter, Technopolis Group

By electronic email

Brussels, 2 August 2022

Non-participation in the targeted survey on NGTs, conducted by Technopolis Group

Dear Commissioner Kyriakides,

Dear Ms Sacristán Sanchez,

We would like to inform you that ENGA, the EU representation of the conventional Non-GMO sector, decided not to participate in the „targeted survey for the impact assessment of new legislation on New Genomic Techniques“ due to its inadequate standards and its intransparency.

We see with deep concern that the targeted survey continues a process the EU Commission has already started with its study on the status of new genomic techniques, published in April 2021. In our perspective the Commission is paving the way for a deregulation of plants produced with targeted mutagenesis and cisgenesis and will present a respective legislative proposal in 2023.

The EU Commission’s study (in fact more a summary of selected material than a study) does not address concerns on potential safety and environmental impacts, including on biodiversity, coexistence with organic and GM-free agriculture and on consumers’ right to information and freedom of choice. These are merely listed, there is no discussion of them. Assumed or claimed advantages of the new methods or products as well as the difficulties in applying the existing EU GMO legislation, on the other hand, are given wide space. Accordingly, associations of the conventional and organic Non-GMO business sector as well as environmental and consumer protection NGOs sharply criticised the one-sidedness of this study.

The public consultation (closed 22nd of July 2022) has been framed in the same manner as the study. Far away from being neutral it was widely based on misleading claims such as that NGTs could contribute to sustainability (without any evidence and a single sustainable crop on the market, without any sustainability definition), that NGTs have no specific risks (without mentioning that there has been hardly any risk research), or that NGTs are hardly to detect and not distinguishable from plants produced by conventional breeding techniques or classical mutagenesis (without mentioning the lack of research funds provided by the EU Commission and member states and the alternative for GMO labelling: traceability, a general standard in EU food law). The way topics have been introduced and response options have been presented suggests that the Commission is aiming for a dramatic lowering or even abolition of standards for risk assessment and labelling and traceability requirements.

In our opinion, the targeted survey ENGA was invited to participate in unfortunately is fully in line with the EU Commission’s deregulation intention. From our point of view it does not meet the

professional standards for an impact assessment and therefore cannot be used as a basis for a new legal framework for NGTs.

The targeted survey is about opinions and estimations, not about scientifically robust data

The targeted survey presents different deregulation scenarios and asks stakeholders about assumptions, opinions and associations regarding its impacts for the years 2030 till 2035. Questions are formulated like „to which extent do you expect (...)“, „do you expect that the more widespread availability on plant varieties developed using CG/TM techniques will be *typically* positively or negatively associated with the following impacts for (...)“. Percentage estimates (like „strong decrease < 25 %“, „moderate decrease - 10 to – 25 %“ etc.) referring to scenarios or indicators are as well offered as answers. This approach is highly questionable: A collection of opinions about a time span about which no one can make a serious statement in the face of so many political, scientific, social and economic uncertainties hardly can be called an impact assessment nor can it replace scientific analyses and modelling. Instead, a broad consultation of experts and stakeholders is needed, based on facts and studies, workshops and exchanges, completed by identifying gaps in data and knowledge.

The targeted survey is intransparent regarding stakeholders and their influence on the impact assessment

In addition, we miss transparency with regard to the invited stakeholders and the way the EU Commission intends to weigh their inputs in the impact assessment. ENGA has sent a list of companies that could contribute to the targeted survey but never received a feedback whether and why or why not Technopolis followed some of our recommendations. Transparency about the selected stakeholders, the sectors they come from and the criteria that have led to their selection is of utmost importance because this selection will have a significant influence on the results of the impact assessment.

The deregulation scenarios have to be published to a general public

For ENGA it is incomprehensible that the EU Commission has disclosed the policy scenarios only to an unknown group of stakeholders, not to the general public. The Commission has had this opportunity twice, with the inception impact assessment as well as with the public consultation. The Commission should be transparent and openly communicate that it is pursuing the deregulation of many GM crops, even if its plans are unpopular. Every EU citizen would be affected by a lowering of food safety and transparency standards.

Coexistence has to be properly addressed, otherwise the freedom to conduct Non-GMO business is at stake

As Non-GMO sector we depend on traceability and labelling of all New GMOs (or NGTs) and on functioning coexistence rules. The targeted survey lists so called “coexistence impact indicators” and asks to what extent they change with regard to different deregulation scenarios. Given that some of the proposed deregulation scenarios strive for abolishing labelling (B2) or even for abolishing labelling and traceability (B3) the response options (strong decrease < 25 % or strong increase > 25%, depending on specific “coexistence impact indicators”) are highly misleading. In fact, it would be rather a 50 % or 100% decrease or increase of the respective indicator if breeders, farmers, feed

and food processors, traders and retailers would lose their right to know about the presence of NGTs in their value chains. This would lead to massive financial setbacks or even the total loss of a business. We would like to remind the Commission that freedom to conduct business is a fundamental right (as stressed in the inception impact assessment) that would be abolished or massively impaired for many business operators with a deregulation of NGTs.

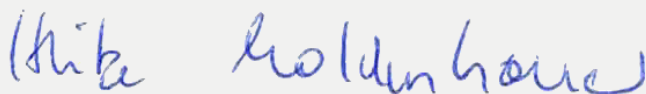
Generally spoken, the targeted survey does not address coexistence as a topic seriously. To protect conventional and organic production systems against GMO contamination there must be legally binding rules in force that encompass the whole food chain and assign clear legal responsibilities, including compensation in case of contamination. This is currently not the case and has to be solved by the Commission before discussing a deregulation of NGTs.

We would like to stress that our decision not to participate in the targeted survey has been based on thorough considerations as we have a strong interest to make our voice heard in the deregulation debate. But participation under the current conditions would support and legitimize a process and approach we see as biased and more than questionable.

We call on the Commission to reassess the impact assessment and make sure that it is based on comprehensive and scientifically sound analyses as well as transparency. Please let us know how do you deal with cancellations of participation like ours.

We look forward to your response.

With kind regards,



Heike Moldenhauer, Secretary General