



Bund für
Umwelt und
Naturschutz
Deutschland

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European Commission
President-elect Ursula von der Leyen
Rue de la Loi 200
1049 Brussels
Belgium

Sent via e-mail to [REDACTED]@ec.europa.eu

Friday, 13 September 2019

Maintaining the current EU GMO legislation and ensuring proper implementation of the ECJ ruling

Dear President-elect von der Leyen,

we, a range of associations in the fields of environmental, nature and consumer protection, breeding, beekeeping as well as agriculture and food industry, have been committed to the protection of GMO-free agriculture and food production for decades. In our endeavours, we can rely on the support of the majority of Germans. In the 2017 Nature Awareness Study published in July 2018 by the Federal Agency for Environmental Conservation 79% of respondents favoured a ban on genetically modified organisms (GMOs) in agriculture.

The landmark ruling of the European Court of Justice (ECJ) of July 2018 on the legal status of new genetic engineering methods such as CRISPR/Cas and products developed on that basis clearly confirmed our position: New genetically modified organisms are subject to EU GMO legislation. The precautionary principle and the requirements for health and environmental risk assessment and labelling fully apply to all new GMOs (Case C-528/16). This creates legal certainty and freedom of choice for all economic operators, including breeders, beekeepers, farmers, food processors, retailers and consumers.

Since the ECJ's ruling, there has been strong lobby pressure to soften or even abolish the existing EU GMO legislation. We are highly concerned about this.

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Any deregulation of new GMOs would undermine the ECJ ruling, leading to a situation in which new GMOs would be placed on the market without approval procedures, risk assessment and labelling requirements. Health and environmental impacts would no longer be examined by national and EU regulatory authorities. Biotech companies would not be obliged to provide methods and reference materials in order to detect new GMOs. Traceability and recall options would become impossible. In essence, new GMOs would be released into the environment and the market without any tests, labelling and controls.

We urge you to ensure that the ECJ judgement is properly implemented. The precautionary principle, the obligation to carry out a risk assessment as well as detectability, traceability and labelling requirements have to be applied to all new GMOs. In particular, the EU Commission is urgently called upon to initiate research to develop detection methods for new GMOs. The Commission has to ensure that the authorities of EU member states implement effective controls for agricultural goods imported from countries where new GMOs are cultivated. In addition, a global transparency register is necessary which would cover all GMOs worldwide, both old and new.

GMOs are living organisms that can reproduce, interbreed, and spread uncontrollably. This causes a massive threat to ecosystems and biodiversity if their genes are transferred to natural populations. GMOs released into natural and agroecosystems can hardly be retrieved.

With new genetic engineering methods, the biological properties of organisms can be fundamentally altered, even more so than with previous methods of genetic engineering, as the ECJ pointed out. They can also be applied serially, i.e. several times in succession or in combination. Even if individual interventions only affect small parts of the DNA, they can lead to considerable changes and to organisms that differ greatly from their originals.

New genetic engineering methods do not have a history of safe use. CRISPR/Cas was described for the first time in 2012 for use in the laboratory. The alleged safety of new genetic engineering and its products is a mere claim not substantiated by systematic scientific studies. Most publications only focus on what is feasible with the new techniques, not on potential adverse or long-term effects.

We would like to remind you that in 2010 the German Federal Constitutional Court declared in its ruling on the German Genetic Engineering Act (GenTG): "In view of the fact that the state of scientific knowledge regarding the long-term consequences of the use of genetic engineering has not yet been finally clarified, the legislator has a special duty of care in which it must observe the mandate contained in Article 20a of the Constitutional Law to protect the natural foundations of life for future generations as well."

Dear President-elect, please bear in mind that citizens who are critical of GMOs will hardly find it acceptable that products previously classified by the highest EU court as genetically modified and subject to GMO regulations should suddenly lose this status. This would be perceived as legal trickery in favour of the GMO lobby and would seriously undermine public trust in the European institutions.

We look forward to engaging with you as you lead the European Commission to defend the European values of precaution and a high level of consumer health and environmental protection. In order to start a constructive dialogue on these highly important matters, please let us know your position on this topic and how you intend to implement the ECJ ruling.

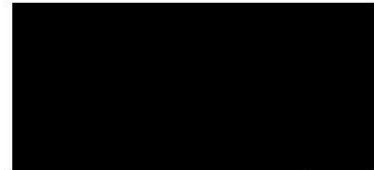
Yours sincerely,



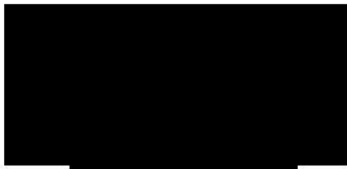
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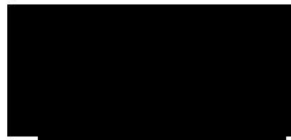
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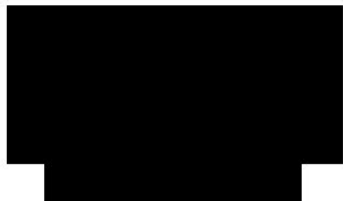
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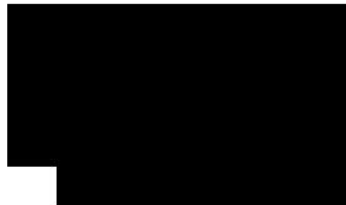
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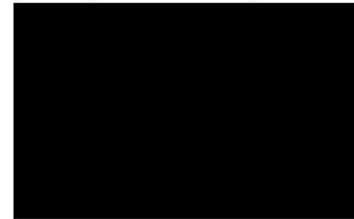
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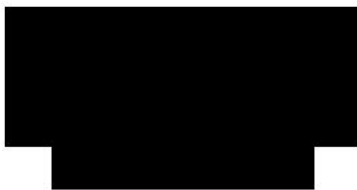
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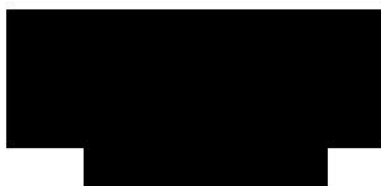
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