EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food and feed safety, innovation
The Director

Brussels
SANTE.E3 [redacted] (2020) 505635

Dear [redacted]

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

Thank you for your letter dated 13 September, addressed to President von der Leyen, and co-signed by twelve organisations representing civil society groups, breeders, beekeeping and agriculture and food industry.

In your letter, you asked the European Commission and the EU Member States to implement strictly the ruling of the Court of Justice of the EU on mutagenesis. The Court ruling of July 2018 clarified the status of organisms obtained by mutagenesis techniques that have emerged since the adoption of Directive 2001/18/EC.

I would like to reassure you that the Commission has taken a number of initiatives following the ruling. The Commission has been working with all Member States to ensure that the legislation, as interpreted by the Court, is properly implemented, both by the Member States Competent Authorities and by the operators. The latter are responsible, within and outside the EU, to apply the requirements of the GMO legislation, notably on authorisation, traceability and labelling of GMOs.

The Commission has mandated the European Union Reference Laboratory for GM food and feed (EURL-GMFF) and the European Network of GMO laboratories (ENGL) to assess possible solutions to challenges related to the development of detection methods for certain products obtained by new mutagenesis techniques. This would help operators in the agri-food chain as well as enforcement authorities in applying the relevant legal requirements. The EURL-GMFF and the ENGL have delivered their report, which is available on the EURL-GMFF website (http://gmo-crl.jrc.ec.europa.eu/doc/JRC116289-GE-report-ENGL.pdf). Similar analysis on genetically modified microorganisms and animals is also envisaged in the coming months.

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For your information, based on Article 241 TFEU, the Council has recently requested[1] the Commission to submit a study regarding the status of "novel genomic techniques" under Union law and in light of the Court of Justice of the European Union's judgment (Case C-528/16). For the elaboration of the study, the Commission will gather contributions in a targeted consultation of the Member States and relevant stakeholders. The list of consulted stakeholder organisations is soon available on the Commission website[2]. In case you are interested in this consultation, we would suggest you to consult this list, and if appropriate, contact the EU-level stakeholder organisation that best represents your interest, and participate via them in the consultation process.

Yours sincerely,

[redacted]

Sabine Jülicher

[1] Council Decision (EU) 2019/1904

[2] https://ec.europa.eu/food/plant/gmo/modern_biotech_en