

**From:** [REDACTED] (SANTE) on behalf of [REDACTED] (SANTE)  
**Sent:** mardi 10 mars 2020 15:51  
**To:** 'Greenpeace - [REDACTED]'  
**Cc:** SANTE NGT STUDY; [REDACTED] (SANTE)  
**Subject:** FW: Ares(2020)1148699 Scope of the Commission study

Dear [REDACTED]

Many thanks for your mail below.

You have probably received by now the link to the survey. As you can see, the introduction text of the questionnaire has been adapted to repeat the text of the Council Decision.

Regarding your request for a meeting, my assistant will contact you to fix a mutually convenient time in the course of next week, either in my office or over the phone as you suggest.

*Best regards,*

[REDACTED]  
*Head of Unit "Biotechnology"*  
DG SANTE/E/3  
Health & Food Safety



**European Commission**

rue de la Loi, 200  
B-1049 Bruxelles  
Email: [REDACTED]

**Exnéditeur:** [REDACTED] [@greenpeace.org](mailto:[REDACTED]@greenpeace.org)

**Date:** 3 mars 2020 à 10:10:43 UTC+1

**Destinataire:** [REDACTED]

**Cc:** SANTE NGT STUDY

[REDACTED] [@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu),

(SANTE)" [REDACTED]

**Objet: Rép: Ares(2020)1148699 Scope of the Commission study**

**Répondre à:**

[REDACTED] [@greenpeace.org](mailto:[REDACTED]@greenpeace.org)

Dear Ms [REDACTED]

Many thanks for making these changes to the website.

I have noticed that the questionnaire for EU Member States still talks about "a study on the status of new genomic techniques". The draft questionnaire for stakeholders, discussed on 10 February, refers to "a study ... regarding the status of new genomic techniques under Union law". Since the latter has not been finalised, you may still be able to amend the wording there as well?

On another note, I would like to talk with you about the decision of the French Conseil d'État of 7 February and its implications for the EU. Given the Corona crisis, this may best be done on the phone, at your best convenience.

Many thanks for considering my request.

Best regards,

[Redacted signature]

On 25 Feb 20 02:57 PM

[Redacted name]

wrote:

[Redacted name]

Many thanks for your email of 13. February below. I can confirm our conversation where I explained that the objective of the study is to follow up the Council's request, which refers also to the ruling of the Court of Justice. To avoid any misunderstanding, we have requested an update of the website, which now reflects in full reflect the wording of the Council Decision.

[https://ec.europa.eu/food/plant/gmo/modern\\_biotech/new-genomic-techniques\\_en](https://ec.europa.eu/food/plant/gmo/modern_biotech/new-genomic-techniques_en)

We hope this is agreeable to you and alleviates your doubts,  
Kind regards

[REDACTED]  
*Head of Unit "Biotechnology"*  
DG SANTE/E/3  
Health & Food Safety



**European Commission**  
rue de la Loi, 200  
B-1049 Bruxelles  
Email: [REDACTED]

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**From:** [REDACTED] <[\[REDACTED\]@greenpeace.org](mailto:[REDACTED]@greenpeace.org)> On Behalf Of [REDACTED]  
**Sent:** Thursday, February 13, 2020 11:36 AM  
**To:** [REDACTED]  
**Cc:** SANTE NGT STUDY <[\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)>  
**Subject:** Ares(2020)1148699 Scope of the Commission study

Dear Ms [REDACTED]

I am coming back to our conversation on Monday and our concern that the Commission study should not be about the EU legal status of "new genomic techniques".

The proposed scope of "new genomic techniques" encompasses "techniques, which are capable to alter the genetic material of an organism and which have emerged

or have been developed since 2001”, according to the draft questionnaire.

The legal status of such techniques has been clarified by the European Court of Justice (ECJ). Whilst the ECJ responded to a question from the French Conseil d'État about “[new directed mutagenesis techniques](#)”, the preliminary ruling of 25 July 2018 pertains to all new techniques that have not “conventionally been used in a number of applications” and that do not “have a long safety record”.


We would ask you therefore to clarify that you are performing “a study in light of the Court of Justice’s judgment ... regarding the status of novel genomic techniques under Union law” and not “[a study ... regarding the status of new genomic techniques \(NGTs\) under Union law](#)”, as is currently indicated on the Commission website.

The current language suggests that the Commission study aims to establish the legal status of “new genomic techniques”. However, the ECJ has settled this question and it would be inappropriate for the Commission to suggest otherwise.

From our conversation I understood that this was not your intention. Please could you therefore amend the language on the Commission website so as to avoid any misunderstanding.

Many thanks in advance,

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EU Food Policy Director

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