From: [redacted] (SANTE)
Sent: lundi 6 avril 2020 09:45
To: [redacted]@greenpeace.org;
Cc: [redacted] (SANTE); [redacted] (SANTE); [redacted] (SANTE)
Subject: RE : French Conseil d'État ruling - some questions

[redacted]

Thank you for your e-mail of 18 March 2020 and your questions on the Decision of the French Conseil d'Etat on "Confederation paysanne" and others.
I hope this mail finds you well. I apologise for responding only today ; it is not always very easy to work under the present challenging circumstances.
Please note that the Commission has not taken any position yet on this file. It is not possible at this point in time to assess the concrete implications for the EU as this will depend on how the Decision of the French Conseil d'Etat is implemented in France, on all aspects, including on the list of mutagenesis techniques. For the same reasons no discussion has taken place with Member States' Competent Authorities who are informed of this Decision. No discussion is presently planned and should there be one in the future, it would be held in one of the forthcoming Standing Committees.

We thank you for your understanding

Best regards

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From: [redacted]@greenpeace.org> **On Behalf Of** [redacted]
Sent: Wednesday, March 18, 2020 3:56 PM
To: [redacted] (SANTE) [redacted]@ec.europa.eu>
Cc: [redacted] (SANTE) [redacted]@ec.europa.eu>
Subject: French Conseil d'État ruling - some questions

Dear [redacted]

Of course that' fine, thank you for the offer!

On 7 February, the French Conseil d'État has made several decisions, which I think are relevant also for the EU.

(1) The Conseil d'État has decided that organisms derived from genome editing and from random mutagenesis performed *in vitro* fall under the EU GMO Directive.

- Does the Commission agree with this interpretation?

- Does the Commission consider that the decision of the French Conseil d'État has any implications for the EU?

- Has the Commission been in contact with EU member states about the decision?

(2) The Conseil d'État has decided that the French government needs to establish, within six months, an exhaustive list of mutagenesis techniques or methods that have conventionally been used in a number of applications and that have a long safety record.

- Given this refers to the scope of the EU GMO Directive, will the Commission be involved in this process in any way?

(3) The Conseil d'État has decided that the French government needs to establish, within nine months, a list of varieties that are part of the French plant variety catalogue and that should have been subject to EU GMO authorisation.

- Again, this refers to the scope of the EU GMO Directive. Will the Commission be involved in any way?

(4) The Conseil d'État has decided that, in France, plants made to tolerate spraying with non-selective herbicides should be subject to a specific risk assessment, even if they have been obtained by a mutagenesis technique that is exempted from the EU GMO Directive.

- Does the Commission consider that the EU should adopt a similar approach?

- Does the Commission consider it useful to request a similar assessment as performed by Anses also for the EU?

Many thanks for your responses. Perhaps, once your systems are running properly, we may also be able to talk them through?

Best wishes,

[redacted]