

██████████
ARGE Gentechnik-frei
Lehár gasse 7/1/7,
A-1060 Wien

Brussels,
ARES(2018)

████████████████████
Verband Lebensmittel Ohne Gentechnik
Friedrichstraße 153 a,
D-10117 Berlin

Dear ██████████ and ██████████,

Thank you for your letter of 29 November 2018 addressed to President Juncker and myself, co-signed with several food retailing, food manufacturer and feed industry companies and concerning the judgement of the Court of Justice of the European Union (CJEU) on new mutagenesis techniques^[1] and the protection of GMO-free production.

The CJEU judgement of last July clarified the status of organisms obtained by mutagenesis techniques that have emerged since the adoption of Directive 2001/18/EC on the deliberate release of GMOs.

Operators, in and outside the EU territory, are responsible for ensuring that products which are placed on the market are safe and comply with all relevant regulatory requirements. This includes the submission of an application for marketing authorisation, which shall be accompanied by the provision of detection methods and reference material. Detection methods are validated by the European Union Reference Laboratory for GM Food and Feed, which is assisted by the European Network of GMO Laboratories.

^[1] Case C-528/16, *Confédération paysanne and Others*, Judgement of 25 July 2018, ECLI:EU:C:2018:583.

Member States are responsible for the enforcement of the EU GMO legislation as now clarified by the Court.

The Commission, as the guardian of the Treaties, is working to ensure the correct application of Union legislation. My services have discussed with Member States the implementation of the CJEU judgement in the meetings of the Standing Committee on Plants, Animals, Food and Feed on 11 September and 3 December and of the Regulatory Committee for Directive 2001/18/EC on 18 October 2018. During these meetings, the Commission has recalled the national competent authorities' responsibility to enforce the GMO legislation in accordance with the Court's judgement, including control of products to be placed on the EU market and compliance with GMO legislation of ongoing and future field trials.

The Commission has also requested the European Network of GMO laboratories and the European Union Reference Laboratory for GM Food and Feed to assess current and future possibilities and limitations regarding the detection of food or feed obtained by new mutagenesis techniques.

These discussions will be pursued as long as necessary to support Member States and operators in the implementation of the EU legislation.

Yours sincerely,