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EU Commission's Secret Policy Scenarios Show Full GMO Deregulation on the Cards

Commission is considering ending safety checks, traceability, and GMO labelling for GM foods, seeds and crops.

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The European Commission is secretly considering the full deregulation of certain types of genetically modified (GM) crops – yet it has not admitted as much publicly. Under such policy scenarios, deregulation could mean scrapping safety checks, traceability, and labelling for GMOs that are claimed to be able to arise naturally – and removing GMO labelling for GM products declared "sustainable".

The Commission's detailed policy plans for 2030-35 are revealed for the first time in a targeted survey, which we've published in the public interest after it was only sent to certain stakeholders. The survey is being run by consultants to the Commission. These plans are the basis for the impact assessment that will accompany the Commission's proposal to change the GMO regulations, planned for spring 2023.

In response to the targeted survey, the Greens/EFA Group in the European Parliament has written a letter to the Commission complaining that its "policy scenarios have not been made public but only released to a select group of individuals" via the survey. The letter continues, "We consider that this is not the appropriate way to ensure participants to the consultation have access to all relevant information to make an informed answer and call on you to publish this survey without delay."

What has the Commission said publicly?

The Commission has announced a new legal framework for plants obtained by "targeted mutagenesis" (by which it seems to mean gene editing of the SDN-1 and SDN-2 types) and cisgenesis (genetic engineering in which genes are artificially transferred between organisms that could otherwise be conventionally bred). The Commission has said it wants to set up a separate regulatory regime for these GM crops, excluding them from existing EU rules for GMOs. It also wants to promote supposedly "sustainable" GM crops – those that it

believes can contribute to the EU's Green Deal objectives.

So far, little has been known about this new framework. The Commission has only set out certain "policy elements" in a so-called Inception Impact Assessment, published in September 2021:

- Risk assessment and approval requirements "proportionate to the risk involved"
- A sustainability analysis
- "Appropriate traceability and labelling provisions"
- Mechanisms to be able to rapidly adjust elements of the legislation.

These "policy elements" are not further explained in the Commission's public consultation, which closes on 22 July (GMWatch has submitted its response).

In line with earlier announcements, the consultation talks about legislation for GM "plants produced by targeted mutagenesis or cisgenesis". It assumes, without evidence, and ignoring a large pile of evidence showing extensive DNA damage caused by gene editing, that some such GM plants "could have been produced through conventional plant breeding or classical mutagenesis" (questions 3 and 12). "Classical mutagenesis" means the decades-old techniques of radiation- or chemical-induced mutagenesis breeding. The Commission also assumes, again without evidence, that some such GM plants could have "traits contributing to sustainability" (question 7).

The Commission has always rejected the term "deregulation". It has said it is going to introduce an "appropriate" and fit-for-purpose regulatory framework for certain GM crops derived from new GM techniques, which it calls "new genomic techniques". It has also said it will not compromise on consumer and environmental safety.

However, the detailed policy scenarios show another picture – that full deregulation of some GM crops is a realistic option.

What are the Commission's plans?

The Commission's consultants targeted survey describes seven policy scenarios considered by the Commission – which are not mentioned in the public consultation. These scenarios are important because they form the basis for the upcoming regulatory impact assessment, which compares different policy scenarios with each other and against a baseline scenario (i.e. no policy action).

The seven policy scenarios, A1 to C2, reveal that the Commission is considering scrapping all GMO regulatory requirements for GM crops that "could also be obtained naturally or by conventional breeding".

The scenarios show that:

- The Commission wants to distinguish two new categories of GM plants: GM crops that "could also be obtained naturally or by conventional breeding" and GM crops that have "desirable sustainability impacts".
- For GM crops that the Commission claims could be obtained naturally or by conventional breeding, the Commission is considering scrapping all GMO regulatory requirements (scenarios A2, B3). This includes the requirements for

– pre-market safety assessment
– product traceability across the supply chain
– GMO detection method supplied by the developer of the GMO in question
– GMO labelling.

These GM crops would essentially be regulated like non-GM crops, disregarding any risks to public health and the environment, the need of non-GM producers to rule out GM contamination, and the public's right to know what is in their food.

Commission proposes the "Bayer option"

Commission scenarios A2 and B3 are exactly what Bayer has publicly asked for. In its response to the Commission's public consultation, Bayer said it wants a screening step in the regulation to decide whether any GMO regulatory steps at all are needed. Bayer said there should be a "first step… assessing whether the changes in the DNA… are similar to the ones that could have been obtained through conventional breeding methods or spontaneous mutation". According to Bayer, "products with similar safety profiles" should "then be subjected to the same marketing specific regulations" – in other words, there would be no GMO regulation for GMOs that are claimed to have similar changes to what could have happened naturally.

UK Bill

Not coincidentally, this is exactly the same deregulatory scenario that is currently being pursued by the UK Conservative government, in the form of the draft "Genetic Technology (Precision Breeding) Bill" that is currently working its way through Parliament. Because the UK is no longer in the EU, the UK government can pass this England-based law unilaterally, aligning England with the USA's weak standards on GMO regulation. The EU Commission clearly wants the EU to follow England in this "race to the bottom".

"Sustainable" GMOs

The Commission is also considering the option to scrap the requirement for a GMO label for supposedly "sustainable" GM crops. It also considers lowering the risk assessment requirements for all GM crops engineered with "targeted mutagenesis and cisgenesis" (A1). Again, this information has not been presented publicly and is not available to anyone answering the public consultation.

All GM crops must be subject to existing GMO rules

The Greens state in their letter to the Commission, "As Greens/EFA group, we oppose the introduction of separate legislation for products of new genetic modification (GM) techniques such as targeted mutagenesis (i.e. SDN-1, SDN-2 and ODM [oligo directed mutagenesis]) and cisgenesis. We believe that all genetically modified (GM) crops must be subject to the existing GMO legislation with its requirements for risk assessment, traceability and clear labelling.

"Indeed, the European Court of Justice clarified in 2018 that new GM techniques cannot be excluded from the scope of EU GMO legislation unless they have conventionally been used in a number of applications and have a long safety record. Since this is not the case for gene editing techniques, such as CRISPR, these techniques should be regulated under the EU

GMO legislation, in order not to undermine the EU's Precautionary Principle. As Greens/EFA, we fully support the Court's ruling."

The Greens make three demands for all GMOs: That they are subjected to a full and robust risk assessment; that no market access should be permitted without traceability and a detection method; and that there should be clear GMO labelling on the final product so that consumers have the choice of whether to buy it.

All these principles are in place under the current GMO legislation – which the Commission is secretly planning to dismantle.

The Greens rightly conclude: "The sustainability of our food system is not a matter of individual products. A plant trait in isolation, without considering the agricultural context in which the plant is grown, is insufficient to draw any meaningful conclusion. Until today, conventional breeding has consistently outstripped genetic engineering techniques (old and new) in producing crops tolerant to stresses such as drought, floods, pests, and diseases.* Claims that GM plants will contribute to improved EU food systems are not supported by current evidence. The European Union should not weaken its GMO regulations to accommodate empty promises of 'sustainable' GM plants."

Commission proposals spell "disaster" for Non-GMO sector

Commenting on the revelations in the targeted survey, Heike Moldenhauer, Secretary General of the Non-GMO industry association ENGA, said: "The deregulation proposals put forward by the Commission aim to remove the labelling of New GMOs. Should a new legal framework abolish traceability and labelling, then New GMOs will effectively become invisible and the Non-GMO sector would run the risk of unknowingly and unintentionally selling New GMO products. In this new world of unregulated GMOs, untested and invisible GMOs will find their way on to European fields, supermarket shelves and on to the plates of consumers – irreversibly.

"Consumers' right to know what is in their food, via clear labelling, is a key social and political achievement, guaranteed through the currently legally-binding GMO label. To abolish this or replace it with a sustainable label, and therefore making New GMOs invisible, would be an unjustifiable step backwards and would encourage distrust: Why do New GMOs have to be invisible to gain market acceptance?

"For the Non-GMO food sector this move to deregulate and abolish labelling would spell disaster! It effectively removes the sector's selling point, meaning massive financial setbacks, if not the end of its business entirely."

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