The Greens | European Free Alliance
in the European Parliament

Monsanto's new GMOs

Greens/EFA Briefing

What are these new biotechnologies?

New biotechnologies are techniques that have been developed in recent years to manipulate the genome of plants, animals, bacteria and humans. Examples of such methods are: cisgenesis, oligonucleotide-based techniques, nucleases (DNA splicing), direct intervention in gene regulation, and the famous CRISPR/CAS 9.

The industry refers to them as "new breeding techniques" in order to blur the distinction between conventional breeding and these new biotechnologies. However, the new biotech methods do not involve sexual reproduction to obtain the new traits and most of them involve direct intervention into the genome or at the molecular level inside the cell. **As such, they cannot be considered as conventional breeding and do not present the same risks**.

After the failure of GM crops in the EU, and facing the potential ban of some of their star pesticides such as glyphosate, these new GMOs are seen by the agro-industry as their main source of income 10 to 20 years from now. That is why, while publicly fighting for maintaining "old-style" GMOs and herbicides such as glyphosate, they also have been pushing more discreetly for the deregulation of the new biotechnologies at EU level.

What is at stake?

The legal nature of these techniques has been discussed for the last 10 years: **are they legally speaking producing GMOs**? And if they are, should they be exempt from the existing EU obligations of risk assessment, traceability, labelling, biosecurity measures that are imposed to the "current" GMOs (= issued from the transgenesis technique[1]) under Directive 2001/18?

If these new techniques are not legally considered as producing GMOs, or if for any other reason they are exempt from obligations under Directive 2001/18, the resulting products, such as seeds, crops, animals and animal products will be treated in the same way as their conventional counterparts. This means: **no evaluation of associated risks, no labelling of seeds, food or feed and no surveillance of the dissemination of the modified genetic material**.

What is the position of the Greens/EFA in the European Parliament?

1 - These techniques are biotechnlogies and their products are genetically modified organisms

The definition of GMOs under Directive 2001/18[2] clearly covers the products issued from these new techniques. The only exemption permitted under the Directive is for techniques "*which have conventionally been used in a number of applications and have a long safety record*", which is clearly and per definition not the case for these new biotechnologies.

2 - The products issued from these techniques should undergo a proper risk assessment

The new biotechnologies cause changes that do not occur naturally and can induce unintended changes in genetic material. They can pose the same hazards to the environment and public health that "conventional"

[1] Transgenesis is a technique allowing to insert a foreign gene into the DNA of a plant or animal
[2] "genetically modified organism (GMO)' means an organism, with the exception of human beings, in which the genetic material has been altered in a way that does not occur naturally by mating and/or natural recombination;

biotechnologies do. Furthermore, there is a high chance that they will be used to produce the same type of modified plants and animals that are created today through transgenesis such as, for example, herbicide tolerant plants (more than half of current GMOs have been genetically modified to be tolerant to glyphosate), pesticide-producing plants and faster growing fish. All of these have serious negative impacts on ecosystems and they should be required to go through a risk assessment before their release into the environment is authorised.

3 - The products issued from these techniques should be traced and labelled

As with "old style" GMOs, genetic contamination of other plants is a serious threat with these techniques, inevitably leading to biodiversity loss. For organic farmers, this would be especially problematic, as these new biotechnologies are incompatible with basic organic principles, not to mention the broader consumer demand for GMO-free food and the right for consumers to choose. Yet without traceability or labelling, these techniques could be imposed on farmers and consumers alike. These biotechnologies, and the resulting organisms, will be patented; without proper labelling, farmers and breeders could use patented seeds without even knowing, and face court cases, as has happened several times in the USA and Canada with current GMOs.

4 - These techniques are not needed

Over-intensification of agriculture is not helping farmers (nor ecosystems), who are suffering from low prices which partly results from overproduction. Pesticide - plants produced by GM techniques are not going to solve this situation, but instead make it worse, by destroying the farmers' soil and environment and endangering their health. EU consumers have also clearly rejected GMOs and it is not acceptable to try to sneak these products on them.

5 - The GMO regulation should not be changed on this point

The definition of "genetically modified organisms" in the Directive 2001/18 is clear and fitting and corresponds to International treaties such as the Cartagena protocol[3]. There is no reason to change it or to create new loopholes or criteria for exemptions.

What is the state of the debate now?

The EU Commission announced in 2015 that it would come up with a legal interpretation, which we are still awaiting, partly due to the fact that there are two ongoing court cases: one in Germany on a canola modified through oligonucleotide-based technique, and one at the EU Court of Justice on a whole list of techniques including CRISPR CAS 9. **The decision of the Court is due on 25th of July**. Its Advocate general already released its opinion, which recognize the GMO status of these techniques, but opens the door to exemptions from assessment and labelling for some of them, with very unclear criteria. If the Court follows the advocate general's opinion, and given the uncertainty, **we will ask the Commission to address the member states clear recommendations not to allow any of the crops issued from these techniques outside of the GMO regulation framework.**

Organisations from the civil society and independent scientists have made it clear that they were extremely concerned by the potential release of these techniques, and have asked for them to be assessed, traced and labelled and for them to fall under the obligations of Directive 2001/18.

Without regulation, these biotechnologies could pose huge risks and create a diversion away from the common future-oriented, sustainable agriculture that we urgently need.

This debate, **whose outcome could change entirely the face of agriculture and food production in the EU**, has remained under the radar and is largely unknown to the wider public.

[3] the Cartagena Protocol on Biosafety to the Convention on Biological Diversity is, among other things, regulating "living modified organisms" exchanges at international level