

# Unmasking new GMOs

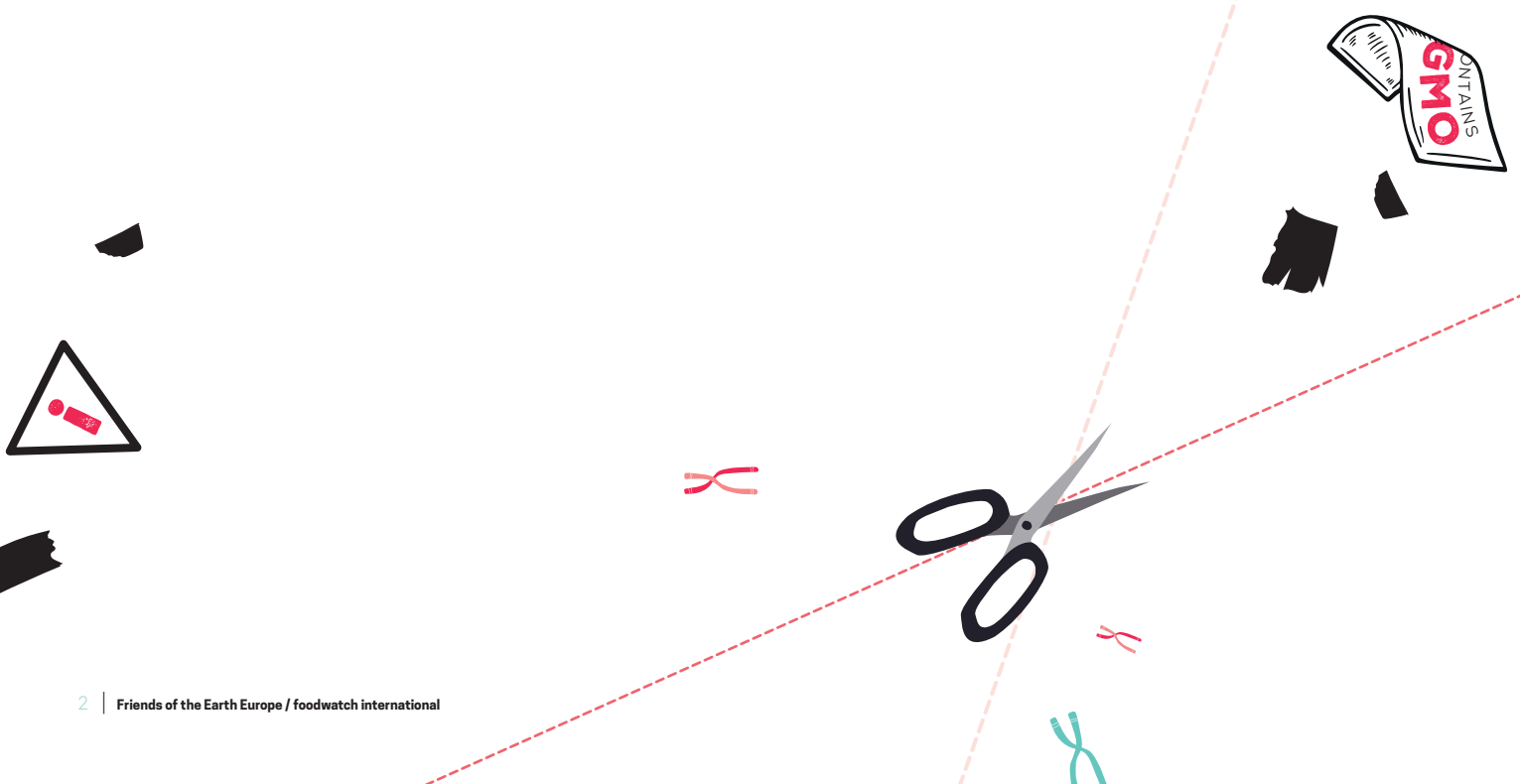
protecting farmers and consumers' right to transparency

FRIENDS OF THE EARTH EUROPE & FOODWATCH INTERNATIONAL BRIEFING ON THE RISKS OF EUROPEAN GMO LABEL DEREGULATION

BRIEFING | May 2023



As the European Commission gets ready to unveil its new proposal to widely deregulate the new generation of genetically modified organisms (new GMOs) or so-called New Genomic Techniques (NGTs), the debate is heating up. So far discussions mainly focus on how risky or safe new GMOs are, or could be. However, the question that is at least as important for farmers, food processors, food retail and consumers, is that of how new GMOs must be labelled. Studies show that, as long as consumers have the information whether their food contains GMOs or not, they prefer to choose conventional, organic or GMO-free options. This means that, if there is not a demand for GMO products, (many) farmers would not buy new GM seeds, limiting the European market and global pesticide corporations' sales of these products.<sup>1</sup>



## Current GMO labelling rules

With the current EU GMO rules, any food with ingredients like rapeseed oil made of GM rapeseed or cornflakes made of GM maize must be labelled as containing or being made with GM ingredients. The current regulation states *foods which (...) contain or consist of GMOs or are produced from or contain ingredients produced from GMOs must be labelled as GMO on the product.*<sup>2</sup>

The existing transparency and labelling rules for GMOs have resulted in a situation of far reaching market rejection of GM food in the European Union. Whilst more than 60 GMOs are authorised to be imported to the EU as food and feed, **supermarkets have phased them out since the early 2000s** and any attempts to promote GM food have failed in the last 20 years.



## The European Commission's plans to erode labelling for new GMOs

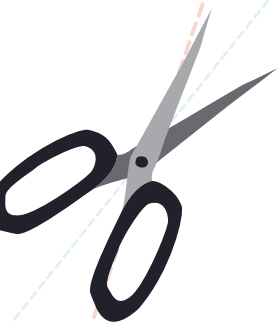


The information we have available regarding the European Commission's plans, dating from mid-March 2023, indicate that they plan to exclude the majority of new GM plants from any GMO labelling requirements. This means consumers, farmers, and the whole food chain would no longer know whether the seeds, ingredients and final food products they buy contain new GMOs or not.

In the preparations for this legislative proposal, the health and food safety branch of the EU Commission (DG Sante) focused the political and technical debate on the alleged safety of new GMOs and their products and has not communicated publicly on labelling options so far. During a consultation in autumn 2021, more than 60,000 citizens across Europe responded that they wanted to keep the new generation of GMOs regulated and labelled as GMOs.<sup>3</sup> This clear message was dismissed in the preparatory steps for the draft legislation.<sup>4</sup>

The alleged safety of new GMOs is used as the reasoning to get rid of labelling requirements for new GMOs. But due to lack of public funding, very little independent research on the impact of new GMOs on biodiversity was even conducted. In fact, the release of new GMOs into our fields will most probably create specific new risks for our ecosystems. The genome editing tool of CRISPR relies on complex repair mechanisms of the DNA.<sup>5</sup> This repair process cannot be predicted. Its outcome could change vital traits such as the fitness of the plants and impact how organisms act in ecosystems. Faced with the dramatic loss of species and whole ecosystems, putting untested new GM plants into nature feels irresponsible. Of the €356 million the EU spent on new GMO research in the 5 years prior to the 2021 consultation, only 1.6% were spent on detection methods, risk assessment and monitoring.<sup>6</sup> If you don't look for problems, you rarely find them until it is too late.

Without acknowledging this lack of research, DG Sante concluded that the majority of new GMOs would be as safe as conventional plants. This is based on the very limited research of the EU authority for food safety, EFSA.<sup>7,8</sup>



## Options for deregulation

The agri-business push for deregulation includes the demand to exclude new GMOs from GMO labelling: *We are of the opinion that any transparency requirements regarding compliance control and customer choice can be fulfilled in a predictable, reliable and harmonized way without putting respective conventional-like NGT plant varieties under the strict and cumbersome GMO labelling obligations.*<sup>9</sup>

The reasons to exclude new GMOs is that agribusiness and the European Commission claim that the majority of new GM plants would be as safe as conventional plants. Now, DG Sante suggests major deregulation in the upcoming legislation for the majority of new GMOs (referred to as NGT below). **They are presenting two policy options:**

### Option 1

*“for NGT plants that could also occur naturally or be produced by conventional breeding only a notification procedure.”*

### Option 2

*“for other NGT plants... to address detection challenges & to incentivise the development and placing on the market of plant products that can contribute to a sustainable agri-food system through regulatory incentives .... a mandatory label covering the purpose of the introduced trait, while maintaining the regulatory incentives.”<sup>10</sup>*

## What are the different policy options' consequences for consumers & producers?

### For option 1

The European Commission's option 1 for deregulation would lead to the majority of new GM plants and their products being extensively deregulated. They would only be submitted to a notification procedure, no labelling would be foreseen. **This option would lead to:**

- the loss of traceability within the production chain
- the loss of transparency for farmers, food producers, retailers
- the impossibility for consumers to take a well-informed decision.



### For option 2

If the European Commission proposes a new mandatory label for new GMOs covering the purpose of the introduced trait, while maintaining regulatory incentives (whatever they will be) if the trait “can contribute to a sustainable agri-food system”, many questions arise in terms of misleading consumers.

The Commission has not yet proposed any clear definition for what would constitute a “sustainable agri-food system”. So far, food products are marketed in EU supermarkets in various countries with labels that suggest “sustainable production” or “sustainable farming”. The European Commission is working on a new law for sustainable food with a strong focus on public procurement which will be presented in autumn 2023. But even with a clear definition of what sustainability means, it is uncertain if new GMOs can contribute to that.

**“EXCLUDING NEW GMOS FROM LABELLING REQUIREMENTS WOULD ONLY SACRIFICE CONSUMERS' RIGHT TO TRANSPARENCY AND INFORMATION FOR HYPOTHETICAL NEW MARKETS FOR ALREADY BIG PESTICIDE CORPORATIONS. THE EUROPEAN COMMISSION SHOULD PROTECT ITS CITIZENS' BEST INTEREST INSTEAD OF APPEASING THE INDUSTRY.”**

**Mute Schimpf**, food campaigner at Friends of the Earth Europe.

# The right to transparency at risk



## Consumers' rights within the EU law under pressure

From a consumers' perspective, GMO labelling is essential to ensure transparency and information about the food they buy. Only if food provided on the market offers full transparency, are consumers able to make an informed choice. Clear and transparent labelling is key for consumers while making their daily purchases, giving orientation and avoiding being misled.

Within the current EU GMO legislation, multiple provisions emphasise the consumer's right to understandable and transparent information **foods which (...) contain or consist of GMOs or are produced from or contain ingredients produced from GMOs** (Article 12, Regulation 1829/2003). A comprehensive labelling requirement for new GMOs can be derived from these transparency requirements.

The right of consumers to be informed is also enshrined in the Treaty of the European Union,<sup>11</sup> as well as in the EU General Food Law.<sup>12</sup>

**"IF THE EUROPEAN COMMISSION PROPOSES TO EXCLUDE NEW GMOS FROM THE CURRENT STRICT LABELLING REGIME, CONSUMERS WOULD NO LONGER BE ABLE TO MAKE INFORMED CHOICES ON THE MARKET. WE SEE THIS AS ACTING IN CONTRAVENTION OF THESE TWO FUNDAMENTAL EU LAWS."**

**Heidi Porstner**, Foodwatch International spokesperson on GMOs.

## Lack of transparency and traceability in the food production chain

If consumers do not want to buy food containing or being made out of GMOs (including new GMOs), producers and retailers must be able to provide and give the necessary guarantees of such food. These guarantees can only be made if every step of the supply chain provides information on whether they use ingredients or raw materials containing or being made out of GMOs. Therefore, if the European Commission eliminates the mandatory labelling of new GMOs, farmers, producers and retailers will struggle to offer GMO-free food.

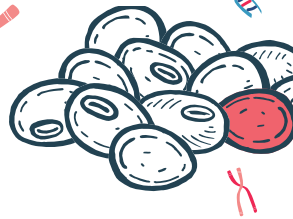
- Farmers won't know if they are using genetically modified seeds.
- Food producers won't know if they are using GM ingredients.
- Retailers won't know whether the food they offer contains GMOs.
- At the end of the line, the consumers won't know if they are buying food containing new GMOs or not.

Labelling requires a high level of traceability. Only if a label is in place can traceability function along the food chain and the correct tests and certifications be put in place. The continued application of the existing EU GMO legislation is key for three main reasons:

- To protect the **rights of consumers enshrined in the EU Treaty** to transparent information on food;
- To ensure **traceability** of new GMOs from seed to food;
- To maintain **freedom of choice** for farmers, producers and consumers and ensure food security and food safety.



**KEEP REGULATED  
& LABELLED**



#### Endnotes:

- 1 Bundesinstitut für Risikobewertung (BfR): Durchführung von Fokusgruppen zur Wahrnehmung des Genome Editings (CRISPR/Cas9), 2017, Abschlussbericht. <https://mobil.bfr.bund.de/cm/350/durchfuehrung-von-fokusgruppen-zur-wahrnehmung-des-genome-editings-crispr-cas9.pdf>  
A survey by the Rathenau Institute found that participating Dutch citizens wanted regulation and labelling of new GMO products. <https://www.rathenau.nl/sites/default/files/2023-04/Rapport%20Editing%20under%20provision.pdf>
- 2 see regulation 1829/2003 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2003R1829:20080410:EN:PDF>
- 3 [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13119-Legislation-for-plants-produced-by-certain-new-genomic-techniques/feedback\\_en?pid=26519622](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13119-Legislation-for-plants-produced-by-certain-new-genomic-techniques/feedback_en?pid=26519622)
- 4 In the consultation in Spring 2022, DG Sante asked only, if products should be labelled as new GMO and didn't give the option to respond that the existing GMO labelling scheme should be maintained for new GMOs. [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13119-Legislation-for-plants-produced-by-certain-new-genomic-techniques/public-consultation\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13119-Legislation-for-plants-produced-by-certain-new-genomic-techniques/public-consultation_en)
- 5 <https://www.the-scientist.com/news-opinion/crispr-can-create-unwanted-duplications-during-knock-ins-67126>
- 6 [https://food.ec.europa.eu/system/files/2021-04/gmo\\_mod-bio\\_ngt\\_eu-study.pdf](https://food.ec.europa.eu/system/files/2021-04/gmo_mod-bio_ngt_eu-study.pdf)
- 7 Technically the so called targeted mutagenesis and cisgenesis plants are declared as safe as conventional plants by DG Sante EFSA came to the rather surprising conclusions that in 10 years of research an assessment from 2012 remains still valid: EFSA here are no new data since the publication of the 2012 EFSA opinion that would challenge the conclusions raised in that document (EFSA GMO Panel, 2012). The conclusions of the EFSA 2012 scientific opinion remain valid. <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2022.7621> Whilst the most relevant techniques so called Crispr CAS 9 was used first time in plant breeding in 2013.
- 8 DG Sante asked EFSA to compare the risks of NGT "with those associated to plants obtained by conventional plant breeding techniques and plants obtained with EGTs" <https://open.efsa.europa.eu/study-inventory/EFSA-Q-2021-00361>
- 9 PBI Advocacy Brief for Euroseeds Members (07-05-2021) [https://www.amsem.ro/ImageHandler.ashx?UploadedFile=true&pg=d63ee450-f3a-4e83-b811-127758e634a0&image=-/App\\_Data/UserImages/File/ESA/2021/PBI%20Advocacy%20Brief%20EESA.pdf](https://www.amsem.ro/ImageHandler.ashx?UploadedFile=true&pg=d63ee450-f3a-4e83-b811-127758e634a0&image=-/App_Data/UserImages/File/ESA/2021/PBI%20Advocacy%20Brief%20EESA.pdf) and recently <https://euroseeds.eu/app/uploads/2023/05/23.0265.3-Value-chain-Letter-NGTs.pdf>
- 10 This options are from the executive summary of the Impact Assessment report in NGT, dated mid March 2023
- 11 Consumers' rights to be informed are enshrined in the Treaty of the European Union: "In order to promote the interests of consumers and to ensure a high level of consumer protection, the Union shall contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests." (Article 169(1) Treaty of the European Union)
- 12 The EU General Food Law adds to Article 169(1) of the Treaty of the European Union: "In order to ensure the safety of food, it is necessary to consider all aspects of the food production chain as a continuum from and including primary production and the production of animal feed up to and including sale or supply of food to the consumer because each element may have a potential impact on food safety." (Regulation (EC) 178/2002 (recital 12))  
And: "Food law shall aim at the protection of the interests of consumers and shall provide a basis for consumers to make informed choices in relation to the foods they consume." (Article 8 (1) of Regulation (EC) 178/2002)
- 13 <https://friendsoftheearth.eu/press-release/400-000-europeans-oppose-push-for-deregulating-new-gmos/>

**Friends of the Earth Europe** is the largest grassroots environmental network in Europe, uniting more than 30 national organisations with thousands of local groups. We are the European arm of Friends of the Earth International which unites 74 national member organisations, some 5,000 local activist groups, and over two million supporters around the world. We campaign on today's most urgent environmental and social issues, challenging the current model of economic and corporate globalization, and promoting solutions that will help to create environmentally sustainable and socially just societies. We seek to increase public participation and democratic decision-making. We work towards environmental, social, economic and political justice and equal access to resources and opportunities on the local, national, regional and international levels.

**foodwatch international** is a non-profit campaigning organization that fights for safe, healthy and affordable food for all people. We give consumers a loud voice, speak up for transparency in the food sector and defend our right to food that harms neither people, nor the environment. foodwatch is a citizen-based watchdog in the food sector. We uncover and challenge food industry practices that violate the rights or interests of consumers, with the aim of forcing political decision makers to address loopholes in European and national food policies. By conducting research, exposing scandals, mobilising consumers and lobbying governments, foodwatch provides an important counterweight to the power of the food industry. Our campaigns have raised awareness on a range of vital topics and led to successful legal challenges and some significant changes in food industry practices and governmental policy. As a consumer rights organisation, foodwatch is independent of governments, the EU and the food industry. We are financed through membership fees and donations.

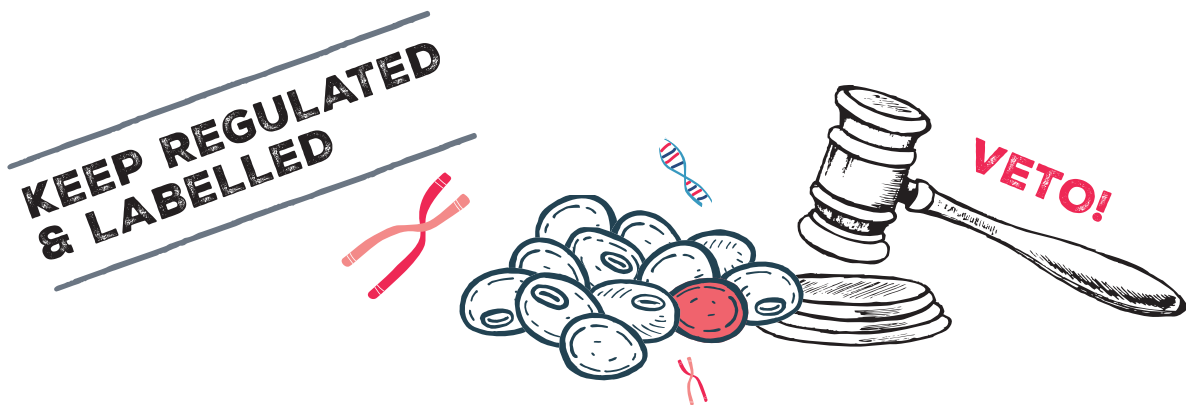
# Conclusion



For more than 20 years, there have been well established and functioning rules for GMOs. Between April and November 2022, more than 420,000 European citizens called on their governments and the European Commission to keep the new generation of GMOs regulated and labelled under the current GMO legislation.<sup>13</sup> Labelling is essential to ensure the rights of farmers, food producers, retailers and consumers to decide what they grow in their fields, use in their products, sell in their supermarkets and choose to eat: we all have a right to choose GMO-free options.

## WE CALL ON...

We call on Vice-President of the European Commission Timmermans, Environment Commissioner Sinkevičius and Agriculture Commissioner Wojciechowski to veto the new legislative proposal and keep new GMOs strictly regulated and labelled as GMOs, in the best interests of farmers and consumers and the environment.



**Authors:** Mute Schimpf, Heidemarie Porstner. **Editor:** Gaëlle Cau.

May 2022. **Design:** contact@onehemisphere.se **Images:** © Shutterstock.



Friends of the Earth Europe gratefully acknowledges financial assistance from the European Commission (LIFE Programme). The sole responsibility for the content of this document lies with Friends of the Earth Europe. It does not necessarily reflect the opinion of the funder mentioned above. The funder cannot be held responsible for any use that may be made of the information contained therein.

[www.friendsoftheearth.eu](http://www.friendsoftheearth.eu)

for the **people** | for the **planet** | for the **future**

**Friends of the Earth Europe**

Mundo-B Building, Rue d'Edimbourg 26,  
1050 Brussels, Belgium

tel: +32 2 893 1000 fax: +32 2 893 1035  
info@foeeurope.org twitter.com/foeeurope  
facebook.com/foeeurope



[www.foodwatch.org](http://www.foodwatch.org)

**foodwatch international**

Brunnenstrasse 181, 10119 Berlin  
Brussels office: Mundo Madou,  
Avenue des Arts 7-8, 1210 Brussels

tel: +49 (0) 174 375 1689  
media@foodwatch.org  
[https://twitter.com/foodwatch\\_int](https://twitter.com/foodwatch_int)

