

Revealed: How the agribusiness lobbyists ghost-write the EU's proposal on new GMOs

A comparison of the EU Commission's consultation and Euroseeds' strategy

March 2023



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Introduction

The European Commission will present a **new legislation for a new generation of genetically modified plants** (new GMOs, now also called new genomic techniques or NGT) beginning of June 2023, with far-reaching implications including the release of untested plants into nature and onto our plates.

A central step for this new legislation was the European Commission's [consultation](#) for the public and interested parties (that ran from 9 April 2022 - 22 July 2022). **An analysis of the consultation, made by Friends of the Earth Europe, reveals that the consultation borrows heavily from agribusiness' documents and demands**, especially claims made by Euroseeds, the European seed companies' lobby.

Since the Court of Justice of the European Union (CJEU) [ruled in 2018](#) that new GMOs must be (kept) regulated as GMOs and fall under EU labelling, risk assessment and pre-marketing authorisation requirements, agribusiness lobby groups have pushed hard to have it overturned. Their efforts seem to have paid off.

The agribusiness' strategy for deregulation is threefold:

- To justify such a policy change, they start by claiming that new GMOs are as safe as conventionally-bred plants and thus do not need to be included in the current GMO legislation. But what biotech seed producers especially seek to be exempted from are the labelling rules.
- Labelling implies transparency requirements that have led to a complete rejection of GMO food in the European Union. Whilst more than 80 GMOs are authorised to be imported to the EU, supermarkets have phased them out since early 2000 and any attempts to promote GMO food have failed in the last 20 years. Leaving consumers and farmers in the dark as to whether their food and plants are GMOs or not would be highly profitable for the industry.
- To seal the deal, the agribusiness lobby present new GMOs as a way to transition towards more sustainable food and farming systems.

Euroseeds together with Bayer, BASF and Syngenta (amongst the biggest GMO corporations) and associated members, are lobbying powerhouses. In the year 2020, Euroseeds spent almost 1.75 million Euro lobbying the EU.

Bayer on their end, is the biggest spender of the bunch. In 2021 alone, they spent almost 7 million Euro influencing EU legislation. BASF spent almost 3.5 million Euro and Syngenta spent almost 1.5 million Euro. Together, these agribusiness giants spent close to 5.25 million Euro lobbying EU legislation.

The questionnaire purports to be neutral but seeks to obtain predetermined results in favour of deregulation. Previous feedback from small farmers, organic farmers and environmental organisations and from [69.000 citizens](#) have not been taken into consideration for its elaboration, [whilst internal rules for the EU Commission explicitly request to take all views into consideration](#). Four out of the eleven multiple-choice questions ask in biased ways how sustainability of new GMOs should be promoted, one question directly copies the agribusiness' argument that new GMOs could not be detected, whilst not one asks about stringent risk assessment for new GMOs. The questionnaire also does not give options to feedback that the current transparency system through labelling should be maintained.

Below are the most relevant examples of how the European Commission has endorsed the agribusiness lobby's demands in its legislative proposal and consultation's questionnaire.

Example 1: Deregulation of certain new GMOs

In [an internal strategy paper](#), the lobby group Euroseeds, notably representing Bayer, BASF and Syngenta, amongst the biggest GMO corporations and associated members, describes what they want the deregulation of certain GMOs to look like.

EuroSeeds wrote:

Our policy request: A differentiated legal proposal for plants resulting from NGTs

New Genomic Techniques (NGTs*¹) applications are versatile and can be used in the development of a wide range of different products. One type of products are GMOs (e.g., using genome editing tools to introduce a transgene). However, other types of NGT derived plants are similar to those that could occur in nature or produced by conventional breeding methods, e.g. by induced random mutagenesis.

Based on the Euroseeds Position on Plant Breeding Innovation (PBI) which was adopted in 2018, we ask for an amendment of the Directive 2001/18/EC to exclude those plants & products generated using NGTs which are indistinguishable from conventionally bred plants as to the criteria of the [Euroseeds PBI position](#).

With this, the European Seed Sector takes a differentiated approach not asking to exclude NGTs from GMO regulations in general, **but only those applications of NGTs that result in conventional-like plants**. Other applications that result in transgenic products (GMO) would still be covered by the GMO legislation.

In its consultation, the EU Commission introduced the topic as follows:

Regulating plant produced by targeted mutagenesis and cisgenesis - current situation

The EU [GMO legislation](#) applicable to plants includes Directive 2001/18/EC on the deliberate release into the environment of GMOs, Regulation (EC) No 1829/2003 on GM food and feed and Regulation (EC) No 1831/2003 concerning the traceability and labelling of GMOs and their food and feed products. The 2010-2011 [evaluations](#) of the GMO legislation and the 2021 Commission [study](#) on NGTs have indicated that, **as regards plants obtained by some NGTs and their products**, the current legislation is no longer fit for purpose and needs adaptation to scientific and technological progress. On the basis of these evaluations and the study, the [inception impact assessment](#) has identified the following problems associated with the application of the current legislation to **plants produced by targeted mutagenesis and cisgenesis**.

‘Targeted mutagenesis’ and ‘cisgenesis’ are two of the new GMO techniques. The EU Commission describes them in the following way: “*targeted mutagenesis and cisgenesis can be used to produce alterations of the genetic material that can also be obtained by natural mutations or conventional breeding techniques*”.

And the Commission concluded that certain new GMOs were as safe as conventional bred plants, as seen below. This claim is made however without making clear that there has been hardly any risk research on these procedures so far¹.

<u>RISK</u>	<u>ASSESSMENT</u>
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In the current GMO legislation, risk assessment requirements are to a large extent the same for all GMOs. However, EFSA has concluded that plants produced by targeted mutagenesis and cisgenesis generally pose lower risks than plants obtained with transgenesis (1). EFSA has also concluded that, in some cases, plants produced by targeted mutagenesis and cisgenesis do not pose new hazards compared to plants produced with conventional, non-GM breeding techniques, or compared to classical mutagenesis techniques, which are considered as GMOs outside the scope of the legislation, and not subject to risk assessment. Finally, EFSA has concluded that off-target mutations potentially induced by targeted mutagenesis are of the same type as, and fewer than, those mutations in conventional breeding.	
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Similarly, Euroseeds' position on safety checks is the following:

Euroseeds Position:

Many NGT products could be obtained also by using conventional breeding techniques albeit with less precision, less efficiency and, in a much more time-consuming way. Where the resulting geno- and phenotype is comparable to results from conventional breeding, the risk on human/animal health and on environment is also similar to conventionally-bred plants. This is why these plants would not require a specific pre-market risk assessment.
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Comment

The consultation started with quite a technical language and uses the expressions 'targeted mutagenesis' and 'cisgenesis', two of the new GMO techniques² to introduce the topic.

In their strategy paper, Euroseeds advocates to exclude those specific types of new GMOs that are (supposedly and according to them) as safe as conventional bred plants from the current EU wide GMO regulation. This is exactly what the EU Commission now wants to put into the new law, concluding that regulatory oversight for those two kinds of new GMO, 'targeted mutagenesis and cisgenesis', and which are equated with conventional plants, should be excluded from the general GMO framework.

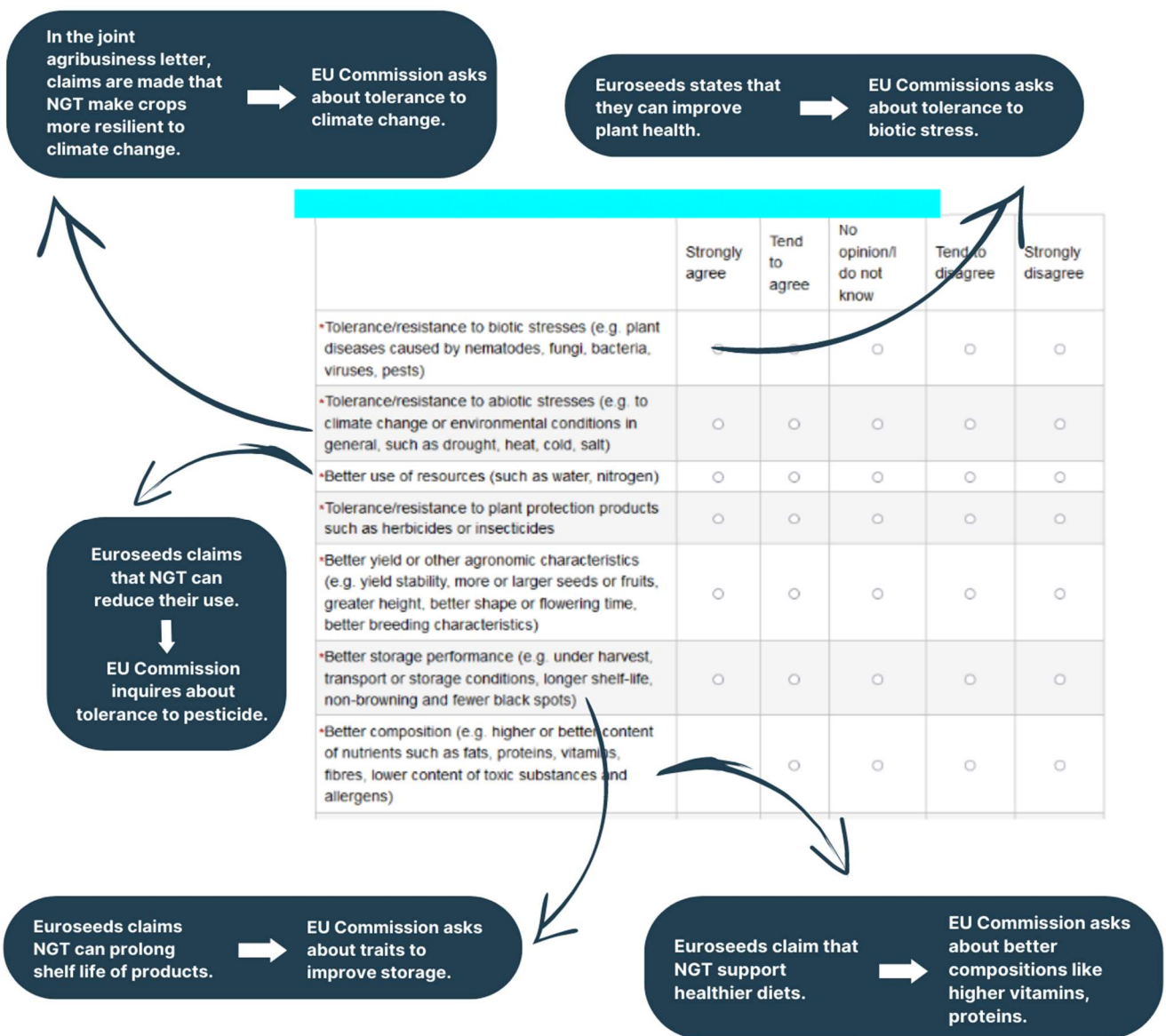
¹ So far, EU institutions spent only 1.6% of their research funds on risk assessment, monitoring and detection methods in the field of NGT, with the majority going to product development and basic research. This large research gap must be closed. Independent research on potential impacts on environment and human health is urgently needed. At present, no safe use in agriculture can be guaranteed.

² Defined as In targeted mutagenesis, mutation(s) are induced in selected target locations of the genome without insertion of genetic material. In cisgenesis, genetic material (e.g. a gene) is inserted into a recipient organism from a donor organism with which the recipient is sexually compatible (crossable) in nature, e.g. a gene from a wild potato into a domesticated potato See Inception Impact Assessment, https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13119-Legislation-for-plants-produced-by-certain-new-genomic-techniques_en

Example 2: Sustainability assessment

In the questionnaire, the EU Commission presented certain new GMO plants as key tools to contribute to the European Green Deal and Farm to Fork goals for reducing greenhouse gas emission and pesticide use. However, no such plants are currently on the market or even significantly developed for them to be able to make such claims. This framing is very similar to demands from the agribusiness lobby groups, as shown in Euroseeds' internal document for instance.

The EU Commission even proposes in Question 6 to "rank" the fictitious sustainability contribution of largely hypothetical NGT plants.



Similarly, here is what Euroseeds states in its internal document:

For example, new plant varieties increase and secure crop yields while reducing the use of plant protection products, fertilizers and other inputs; improve plant health and qualities; prolong the shelf life of fresh produce thereby supporting healthier diets and addressing food waste. In this way, plant breeding is contributing to a sustainable intensification of agriculture to protect and preserve scarce natural resources.

These claims can also be found in [an agribusiness joint letter](#) sent to national governments in April 2019:

The introduction of targeted genetic variation in crops and other organisms can help to achieve important sustainable development goals and to contribute to a cleaner environment, to healthy diets, and the protection of biodiversity. It can also contribute to making crops more resilient and better withstand climate change.

Comment

With this type of question, the EU Commission directly repeats statements made by the agribusiness lobby that new GMOs would contribute to sustainability, when none of these plants are even ready to enter the market. So far, these claims are only promises intended to rub investors up the right way and no evidence supports them. By asking those taking part in the consultation to define how new GMOs can contribute to more sustainable food systems, and not if they even can, the EU Commission accepts marketing promises as facts.

Example 3: Labelling

The current transparency and labelling rules for GMOs have resulted in a situation of complete market rejection of GMO food in the European Union. However, in its consultation, the European Commission does not ask if new GMO plants should be labelled as GMO. Question 12 of the questionnaire openly challenges the current obligation for new genetically modified products to be labelled as such, according to EU GMO legislation. Choosing to keep them regulated is not an answer option.

* 12. *Transparency for operators and consumers, on plants produced by targeted mutagenesis or cisgenesis:* ⓘ

- can be achieved via a physical label on the final product
- can be achieved via a digital label accessible through the final product (e.g. link to a website, QR code)
- can be achieved via information available elsewhere (e.g. a website, a public database/register)
- is not necessary for plants produced by targeted mutagenesis and cisgenesis, when they could have been produced through conventional plant breeding or classical mutagenesis
- is not necessary for any plant produced by targeted mutagenesis and cisgenesis
- No opinion/I do not know

This field is required.

Note that plants produced with conventional, non-GM breeding techniques, or with classical mutagenesis (GMOs exempted from the scope of the legislation), do not need to be traced or labelled as GMOs; other legislation provisions on traceability and labelling apply, e.g. under EU food legislation.

The European Commission goes as far as to already assume the sustainability contribution of these new genetically modified plants in question 8, before asking if they should be labelled as such. This implies replacing the current GMO labelling rules for new GMOs.

* 8. *Do you think information about the sustainability contribution of a modified trait of a plant produced by targeted mutagenesis or cisgenesis should be made available to the consumer?*

- Yes
- No
- No opinion/I do not know

This is exactly what Euroseeds called for - the exclusion of these new GMOs from labelling:

Euroseeds Position:

The European seed sector strongly supports and respects farmers' freedom of choice and interest in information. 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.

This demand was also stated in the Euroseeds' [input for a previous consultation in 2020](#):

If NGT products would not be regulated as GMOs in the future Euroseeds recognizes the need for information sharing (not labelling!) to

Comment

There is no scientific evidence to support the sustainability of new GMOs. On the contrary, according to research, [new genetically modified plants will not reduce pesticide use, some are even designed to increase it](#). They are likely to accelerate biodiversity loss by encouraging huge monocultures and increase farmers' dependency to global pesticide and patent-owner corporations. Yet, the EU Commission still chooses to embrace the agribusiness lobby's false claim.

Conclusion

For more than 20 years, EU rules on GMOs have ensured traceability in the food chain and transparency for both farmers and consumers. Now, big agribusiness is seeking to exempt the new generation of GMOs from those rules and the EU Commission is dangerously listening to them.

[The European Commission has not taken into account any of the feedback and input provided by farmers, consumers, environmental or food retail organisations](#) in its regulatory approach to new GMOs since the Court of Justice of the European Union's ruling of 2018. **Friends of the Earth Europe warns that the EU Commission's plan to turn the demands of the big agribusiness into a new law will have far-reaching impacts on nature as well as on farmers and consumers** as it will allow the release of untested and hidden new GMOs into the fields and onto people's plates. This would also set a critical new precedent for corporate-driven legislations, weakening consumers' right to choose and threatening nature.

European decision-makers should not give up basic transparency and liability rules for new GMOs on the sole basis of self-serving theoretical claims made by big agribusiness. They instead need to promote and **support already-proven solutions for a sustainable and climate-resilient agriculture**, such as agroecological practices and organic farming. They must **protect breeders' freedom to work and operate without being restricted by the extensive scope of patents on new GMO seeds**.

Mute Schimpf, food and farming campaigner at Friends of the Earth Europe said:

"The right to choose what we eat and grow in our fields belongs to the people but it has been captured by big business. Agribusiness lobbies are now doing more than whispering to EU leaders' ears, they are straight ghost-writing public consultations for them to make sure deregulation plans for new GMOs go ahead.

Comparing the European Commission's consultation with the agribusiness lobby's rhetoric is like playing a game of "Spot the difference": the two images are awfully and purposefully similar."

Next steps: The EU Commission is currently assessing the consultation and compiling a so-called impact assessment. The 2023 Commission's workplan states that the new legislation will be launched in late spring 2023, probably on 7 June, and then agreed upon with the EU Parliament and Council.

Friends of the Earth Europe Member Groups

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Belgium (Wallonia & Brussels) — Les Amis de la Terre	Latvia — Latvijas Zemes Draugi
Belgium (Flanders & Brussels) — Climaxi	Lithuania — Lietuvos Zaliuju Judėjimas
Bosnia & Herzegovina — Centar za životnu sredinu	Luxembourg — Mouvement Ecologique
Bulgaria — Za Zemiata	Macedonia — Dvizhenje na Ekologistite na Makedonija
Croatia — Zelena Akcija	Malta — Friends of the Earth Malta
Cyprus — Friends of the Earth	The Netherlands — Milieudefensie
Czech Republic — Hnutí Duha	Norway Norges — Naturvernforbund
Denmark — NOAH	Poland — Polski Klub Ekologiczny
England, Wales & Northern Ireland — Friends of the Earth	Russia — Russian Social Ecological Union
Estonia — Eesti Roheline Liikumine	Scotland — Friends of the Earth Scotland
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France — Les Amis de la Terre	Slovenia — Focus Association for Sustainable Development
Georgia — Sakhartvelos Mtsvaneta Modzraoba	Spain — Amigos de la Tierra
Germany — Bund für Umwelt und Naturschutz Deutschland (BUND)	Sweden — Jordens Vänner
Hungary — Magyar Természetvédok Szövetsége	Switzerland — Pro Natura



Friends of the Earth Europe campaigns the protection of the environment, unites more than 30 national organisations with thousands of local groups and is part of the world's largest grassroots environmental network, Friends of the Earth International.



Friends of the Earth Europe gratefully acknowledges financial assistance from the European Commission (LIFE Programme). Detailed information about Friends of the Earth Europe's funding can be found at: <http://www.friendsoftheearth.eu/our-funding>

The contents of this document are the sole responsibility of Friends of the Earth Europe and cannot be regarded as reflecting the position of the funders mentioned above. The funders cannot be held responsible for any use which may be made of the information this document contains.

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