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A new EU law for more transparency in the food chain

No more dirty secrets in the authorisation procedure for pesticides, GMOs, food additives and novel food!

Democracy and science have in common the fact that they cannot be properly carried out in the dark: both require transparency. The altercation around the reauthorisation of the herbicide glyphosate in 2017 shed an uncomfortable light on the opacity of both the assessment process and the authorisation process of pesticides in the EU.

The European Citizens Initiative (ECI) 'Stop Glyphosate', signed by more than 1 400 000 European citizens, pointed out that the studies used to prove the non-toxicity of the herbicide were not known, and most of them not even published in peer-reviewed scientific journals. Credible accusations of ghost-writing by industry and undue influence showed that this lack of transparency is undermining the quality of the assessment, as well as the trust of EU citizens in our institutions.



The European Commission's answer to the ECI does not deliver

Triggered by the demands of the ECI, in April 2018 the European Commission came out with a legislative proposal for a new EU Regulation on Transparency and sustainability of the EU risk assessment process in the food chain, which impacts the General Food Law of the EU as well as other related regulations (on pesticides, GMOs, food additives and novel food).

The proposal is aiming at improving EU citizens' confidence by informing them better - it is notably creating a framework for EU risk communication - and by enhancing transparency and independence throughout the process. It proposes for example to modify the composition of EFSA's management board and of its scientific panels, in a way that would strengthen their independence and the role of member states.

In order to boost transparency, the proposal creates a public register of studies commissioned by business operators to obtain authorisations for products (such as pesticides, GMOs, additives and novel food) - one of the main demands of NGOs and scientists concerning both pesticides and GMOs. The draft also lays down not only supposedly clearer rules on transparency and confidentiality concerning said studies, but also other scientific data, minutes of meetings etc.

As positive as the objectives of this proposal are, it immediately prompted strong concerns within environmental NGOs, outlined in several [legal analyses](#) published since June. Indeed, the draft's measures on confidentiality seem to create a new regime for food, pesticides, GMOs and novel food, where intellectual property rights would be stronger than in the general legislation, to the detriment of the rights for citizens to access information.

A step in the right direction

The European Parliament's environment committee, in charge of the draft report for the institution, worked hard to make the Commission's text actually reach its stated objectives. In the report voted on Tuesday 17 November, the committee ensures for example that information related to health or the environment shall never be considered confidential and that the rights under the 'Access to documents' and 'Aarhus' regulations should not be weakened.

It also confirms the proposal that the studies should be published in the registry of study before EFSA renders its opinion, allowing for independent scientists to screen these studies and react in time for their work to be useful.

Concerning the authorisation process itself, it asks that the detailed results of the votes by the member states should be public.

However, the report is not perfect - it does not correct one of the major flaws of the Commission's text, namely the creation in several regulations of lists of confidential information, and even opens it to "innovative ideas", a concept so wide it could be interpreted in many ways. Concerning GMOs for example, breeding patterns and DNA sequences would be considered confidential data under the new text, when they are in reality necessary to assess the impacts of GMOs on the environment.

Will the European Parliament defend transparency?

The report can still be enhanced through amendments during the vote in plenary, fixed for the 11th of December... but it could also be damaged severely. Indeed, even in the environment committee, the debates were far from serene.

Martin Häusling, shadow rapporteur for the Greens/EFA group explains *"Not surprisingly, we witnessed a strong push from the industry lobbies, supported by conservative and liberal members of the committee, to strengthen the confidentiality and the protection of intellectual property rights. Commercial interests should never have priority over the rights for citizens to access information on decision impacting their health or the environment."*

This interference by industry makes the vote in plenary very uncertain, which led the citizens' platform Wemove.org to create [an emailing campaign](#) towards the members of the European Parliament, calling them to support transparency.

This vote is of course not the end of the European debate on the authorisation process of potentially hazardous substances - the next legislature will have to follow up on the many other issues raised by the so-called Pest committee^[1], which just released its draft report. Still, it is a very important stepping-stone in our progress to achieve an EU that is truly protective of its citizens' health and of the environment.

[1] Created following the polemic around the reauthorisation of glyphosate, this special committee aims at making proposals to enhance the assessment and authorisation process of pesticides.

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