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Gene editing techniques are GMOs says EU Court of Justice

Time to put them aside and finally invest in true innovation

A clear victory for the precautionary principle

On Wednesday 25 July, the European Court of Justice (ECJ) published [its very awaited ruling](#) on the legal statute of modern mutagenesis, including some of the techniques known as “new breeding techniques”. This ruling confirms what civil society and the Greens/EFA have been claiming from the beginning: these are not “breeding techniques” but GMOs.

New techniques, says the Court, present risks which “might prove to be similar to those that result from the production and release of a GMO through transgenesis” and should thus be fully submitted to the precautionary measures put in place by the EU. The Court adds that only techniques “with a long history of safe use” might be exempt from risk assessment, traceability and labelling. This ruling is a resounding disclaimer to the allegations of the industry that these new techniques are safer than “old style” GMOs, and thus, do not need to be assessed.

This is a clear victory for the precautionary principle, and against a corporate attempt to bypass EU GMO laws - the EU Court of Justice drew the line exactly where the EU legislators wanted it in 2001 when they voted the GMO directive.

Green MEP Bart Staes comments: “The Court agrees with us that just because the industry has come up with new ways to modify organisms does not mean that these techniques should be exempt from existing EU standards on GMOs. Recent scientific studies show that these new techniques might not be as accurate as the industry claims them to be, that's why it's essential that they come under the same labelling requirements and impact assessments as existing GMOs.”

This is only the beginning of the work

Now that the legal status of these techniques is clear, the EU Commission will have to launch the most critical part of their work: making sure that the technical tools necessary for the member states and the EU to actually implement the ECJ ruling exist.

Indeed, the evaluation process used by EFSA on transgenesis might be ill-suited to these GMO 2.0: does it

need to be enhanced to take into account the new set of risks linked to the gene editing techniques? There is an urgent need of an evaluation of the situation by EFSA, the Science Advisory Mechanisms or, why not, by an ad-hoc expert committee. It might even require a proper research program similar to [the GMO Risk Assessment and Communication of Evidence program](#) (GRACE).

Traceability is also a big issue - it IS technically possible, contrary to what the industry has repeatedly advertised these last 10 years, but the tools need to be put in place. This will require experts' work, which has to start as soon as possible.

Until both these tasks are completed, it is clear that none of the products issued from these new techniques should be allowed on the EU territory, be it in the fields, the food or the feed.

It's high time to invest in REAL innovation

As necessary as these preliminary works are, we cannot be happy about the EU launching them, as they will again divest money and time which would be better used elsewhere. GMOs, old and new, are dangerous for the environment and do not serve in any way the public interests. Patented, they just provide another way for large multinationals such as Syngenta/Chem China, Corteva (ex Dow/Dupont) or the new monster company formed by Bayer and Monsanto to privatise the source of our food: not just seeds, but also animals. GMOs are as useless today as they were in the 90's. They are still designed to create herbicide plants, let the agroindustry sell their chemical products, and draw farmers into debt and dependence upon new digital, drone-monitored farming technologies. In other words, the new biotech wave would re-enforce the corporate power grip over our food systems.

The innovation we are calling for is about ground-breaking reorganisation of the food distribution system (notably through an EU protein plan), spreading low-input agriculture, supporting participative breeding of locally adapted varieties and connecting ancient varieties with modern knowledge about ecosystems. It is about farming that respects animals' needs, and agro-ecology at large. We need numerous, well-remunerated, autonomous farmers.

What we need the EU to work on is on [a CAP that would actually support these goals](#), contrary to the extremely disappointing draft currently on the table. What we need scientists to research is how to make these practices not only possible (they already are, as organic farmers prove it every day), but best suited to the EU situation and the new challenges such as climate change.

Inventions really benefit the whole society when they don't turn every living thing into a potential commodity in the interest of only a handful of private companies: "We can't solve our problems with the same kind of thinking that created these problems". As Greens/EFA members of the European Parliament, we intend to follow this wise advice from Einstein and defend real progress and innovation by any means we can^[1], and to support all the actors already showing the way forward everywhere in the EU.

^[1] The Greens/EFA in the European Parliament will organise a conference on Innovation on the 8th of November 2018

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