

IFOAM Organics Europe submission to public consultation - Legislation for plants produced by certain new genomic techniques

IFOAM Organics Europe would like to take this opportunity to express its concerns with the proposed way forward in the Inception Impact Assessment (IIA) and highlight those aspects that need to be improved for the upcoming Impact Assessment (IA).

No need for new legislation

As is stated in the IIA, *“application of NGTs in the agri-food system must not undermine other aspects of sustainable food production, e.g. as regards organic agriculture, or biodiversity”*.

This must be taken seriously. Claims of the contribution of NGTs to sustainability in the Commission report are theoretical at this point and not based on evidence regarding available crops. It would therefore be irresponsible to weaken the existing biosafety standard in the EU based on theoretical benefits to expect from genetic engineering, when they have not materialized in the last 25 years. The precautionary approach must prevail (as confirmed by the European Court of Justice) regarding all forms of genetic engineering processes given the documented possibility of unintended effects and their impact on biodiversity. It is important to be aware that the characteristics of some genome editing applications (e.g. smaller extent of genomic sequence change) cannot be considered an indication of safety per se. The risk assessment can be adapted already in the context of the existing legislation and should in any case remain process-based, a trait-based assessment should be additional. The current legislation already allows a case by case authorisation of GMOs. We don't have time to lose to make our food systems more sustainable by counting on gene-editing techniques to fix the 'business as usual' agricultural model. Instead, we should focus on systems-based solutions that are already available now to change agricultural systems. This means developing organic and agroecological farming.

Traceability

Traceability strategies must be a major focus point in the upcoming Impact Assessment. The working document of DG SANTE lacked a pragmatic and solution-oriented mindset with regard to detection and traceability, and this should not be repeated.

The capacity of the organic sector (and conventional non-GMO sector) not to use GMOs and products made from NGTs—depends on the EU traceability system. When the IIA is mentioning *“Appropriate traceability and labelling provisions that are implementable and enforceable”*, it is clear from the organic perspective that this entails an obligation for all actors in the food chain to ensure traceability. What this means in practice, is that it must be clear for all actors in the production or consumption chain if a product from NGTs was used in the process. This provides legal security for all actors in the food chain. By applying a process-based approach (like organic does), traceability and consumer labelling is possible in any case, whether or not you can use laboratory methods to determine the origin of a product. In addition, the documentation-based approach is already successfully applied for oil products, such as oil from GM soy. The IA should cover these solutions for traceability with an open and pragmatic mindset.

The traceability system works best if complemented by adequate detection strategies. Therefore, the IA must look into pathways to develop reliable detection methods and strategies, like it was done in the 90s for the current generation of GMOs. For those few products already on the world market, tests for known gene-edited products can be developed using established practices or obtained from the industry (*Cibus* has submitted a detection test to the Canadian authorities, for example). The IA should

investigate how detection strategies can best complement the traceability system and what requirements and research projects are necessary to improve detection.

Impacts on organic production

The IIA states that a new legislation can have *“Potential negative impacts for organic and GM-free agriculture (e.g. due to compliance, certification and segregation costs).”*

In practice, avoiding contamination is associated with high costs for organic but also non-organic operators, evidence for this is in the CO-EXTRA report (see attachment). The costs for avoiding contamination with NGTs are likely to be applicable within comparable limits. In Spain, a contamination of 16 organic farms (2003 -2007) occurred and in all cases organic certification was withdrawn and livestock farmers needed to buy in maize feed from other regions. On top of this, negative impacts of contamination cases on consumer trust into organic production and the organic label are potentially even more severe. For the IA, IFOAM OE therefore requests an in-depth assessment of the costs for organic and conventional farmers to avoid residues of NGT products in their production.