

## **Regulation of New GMOs: We need freedom of choice through transparency**

Dear Minister [responsible Minister in your country],

On 7 February 2024, the European Parliament voted in favour of labelling and traceability of *all* products produced with New GMOs. The EU Parliament wants consumers, farmers, food producers and retailers to be able to continue to recognise when products produced using new genomic techniques (NGTs) are present in food or feed.

As a leading company in the food industry in [your country], we warmly welcome the European Parliament's vote in favour of full labelling of all products made from NGT plants. Many of our customers are sceptical about GMO products. They want to decide for themselves whether they want to buy and eat them. They can only do this if the products are clearly labelled. Not all signatories of this letter fully oppose NGTs. However, we are all united by the conviction that fair competition requires differentiation. Raw materials and products that have been produced without the use of genetic engineering are part of a diverse food market and should remain so. We are also united by the belief that those companies that introduce new technologies must take responsibility for their business decisions. In line with the polluter-pays principle, they must pay for the costs incurred, which arise above all for those who want to exclude NGTs from their supply chains.

In the interests of consumer protection and fair competition, we want to implement the obligation adopted by the EU Parliament for labelling and traceability of all NGTs in our companies. To do so we need detection methods for all products manufactured using new genomic techniques, including those in category 1. Companies that want to place NGTs on the EU market must therefore provide detection methods, reference material and data on the genetic modification during the authorisation procedure. In addition, we need an EU-wide binding legal basis on which Member States must adopt detailed coexistence measures that permanently protect agriculture and the food industry from contamination with category 1 and 2 NGTs. This is the only way we can offer our customers products without GMOs. We are also in favour of the possibility of national bans on the cultivation of category 1 and 2 NGTs.

We would ask you to support our cause and look forward to meeting with you.

Yours sincerely

## **Appendix**

### **Why we need mandatory analytical detection methods for category 1 NGTs**

The EU Parliament has passed a labelling requirement for *all* NGTs - and therefore also for all plants belonging to category 1 and the products derived from them. In the interests of fair competition and consumer expectations, it must be possible to verify that labelling is carried out in accordance with the law. This requires - analogous to the current system - analytical detection methods. In this way, missing declarations can be discovered - companies and consumers can be sure that an unlabelled product does not contain any New GMO. Inspection authorities can also check compliance with the labelling obligation.

The possibilities for detection methods for NGT1 plants depend largely on two factors: Firstly, investment in research, and secondly, regulation. The EU Commission is now funding two projects for the development of detection methods with a total of 11 million euros - a significant step forward.

However, companies that want to bring category 1 plants onto the market are not yet obliged to submit detection methods, reference material and data on genetic modification. It can, though, be assumed that they have detection methods - simply in order to be able to assert their intellectual property, which is protected by patents.

### **Why we need EU-wide binding coexistence measures**

In order to maintain agriculture and food production without GMOs in the long term, we need EU-wide binding coexistence measures. These must apply to all category 1 and 2 NGTs and be mandatory in all Member States. Otherwise, there is a high risk of permanent contamination of Non-GMO products. The consequences would hit the producers of conventional Non-GMO and organic products hard, as the contamination would lead to product withdrawals and reputational damage or even the loss of certifications. The food industry would suffer from a general loss of confidence.

In order to minimise the risks of foreseeable contamination, a legal basis is required on which EU Member States can adopt national and regionally adapted coexistence measures.

To ensure that agriculture and food production with and without GMOs remains possible in the EU in the long term, a site register is needed that records all fields on which NGTs are grown commercially or for experimental purposes, plant-specific distance rules and specifications for product segregation from the field to food production and retail. Liability rules must be introduced to ensure compensation in the event of contamination, including a compensation fund if the polluter cannot be identified, and the polluter pays principle must be consistently applied - those who use New GMOs must be responsible for keeping their NGTs out of the supply chain and bear the corresponding costs.

Economic operators who do not use NGTs must not be burdened with costs and requirements. Without this obligation, the production costs for conventional and organic Non-GMO products would be driven up. Companies that produce the food that the majority of consumers want would be at a competitive disadvantage.

### **Why we are in favour of the possibility of national and regional cultivation bans**

To date, in none of the current legislative proposals national bans on the cultivation of category 1 and 2 NGTs are permitted. In accordance with the principles of subsidiarity and national sovereignty, we call for Member States to be able to continue to decide whether NGTs may be cultivated on their territory or parts thereof. Such room for manoeuvre is particularly important where the coexistence of both forms of agriculture and food production is not practically or economically feasible.