

PRESS RELEASE

EUROPEAN COURT OF JUSTICE ADVOCATE GENERAL MISSES THE OPPORTUNITY TO CLARIFY THE LEGAL STATUS OF NEW GENETIC ENGINEERING TECHNIQUES

BRUSSELS, 18 JANUARY 2018 – According to the organic food and farming movement, the Advocate General of the European Court of Justice (ECJ), in its [opinion](#) released today on the French Court Case [C-528/16](#), merely confirms the existing exemption from the requirements of the GMO legislation for plants obtained through mutagenesis techniques, and fails to provide effective criteria that would allow to make a distinction between old techniques and new GE techniques developed in recent years.

Eric Gall, IFOAM EU Policy Manager: “If it is followed by the judges of the Court of Justice, today’s opinion will not bring any clarification on which genetic engineering techniques are legally exempted from the requirements of the GMO legislation. The General Advocate confirms that GMOs obtained by other techniques than transgenesis are indeed GMOs from a legal point of view, and should be regulated as such, but he ignores the intention of the legislator back in 1990, which was to only exempt from risk assessment, techniques which were used since the 1960s and which had “a long safety record”.

“There are no legal or scientific reasons to exempt from risk assessment, traceability and labelling, recently developed genetic engineering which have nothing to do with the mutagenesis of the 1960s, however they are called by their proponents. Exempting these new genetic engineering from a risk assessment would be a blatant denial of the precautionary principle and of the citizens’ right to know how their food is produced”, added Eric Gall.

IFOAM EU urges the Court of Justice to take into account the intentions of the legislator when Directive 2001/18 was adopted and the international obligations of the EU under the [Convention on Biological Diversity](#), which provides a definition of modern biotechnologies.

The first version of Directive 2001/18 on the deliberate release of GMOs into the environment was Directive 90/220, adopted in 1990, which included the same definition of a GMO and the same exemption from the legal obligations for mutagenesis and cell fusion. Recital 17 of Directive 2001/18 states that: “*This Directive should not apply to organisms obtained through certain techniques of genetic modification which have conventionally been used in a number of applications and have a long safety record*”. According to IFOAM EU, the current exemption dates back from 1990 and is irrelevant to decide whether the latest technologies should be exempted from an assessment of their risks. Behind the term “mutagenesis”, there are techniques very different from what was existing at the time of the adoption of the GMO legislation in 1990, or at the time of its revision in 2001.

Ends.

Notes for editors:

Link to Directive 2001/18:

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32001L0018&from=FR>

Link to Directive 90/220:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31990L0220&from=fr>

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IFOAM EU represents more than 190 member organizations in the EU-28, the EU accession countries and EFTA. Member organizations span the entire organic food chain and beyond: from farmers and processors organisations, retailers, certifiers, consultants, traders and researchers to environmental and consumer advocacy bodies. More information: <http://www.ifoam-eu.org/>