

Consultation response: Commission proposals on the freedom for Member States to decide on the cultivation of GM crops

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INTRODUCTION

Which? appreciates this opportunity to submit comments on the European Commission's proposals on the freedom for Member States to decide on the cultivation of genetically modified (GM) crops and specifically on the proposal for a regulation amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory.

At this stage, we only have some brief comments about the overall approach and how we hope that Defra will respond to this change in direction which are set out below.

SAFETY, CHOICE AND PUBLIC ENGAGEMENT

From Which?'s perspective it is essential that it can be ensured that GM crops are safe, both for human health and the environment, and that consumers are in a position to make informed choices about whether to eat GM foods or not. Our consumer research over the years, including surveys, focus groups and a citizens' panel, has shown that many consumers have not seen any benefits from the GM crops that have been developed so far and so wish to choose conventional or organic crops instead. This has also been reflected by retailer non-GM policies.

We think that it is important that Government policy takes account of people's views and for this reason had supported the GM public debate that the Food Standards Agency was organising to understand under what circumstances this might change. We had hoped that this would enable a fuller discussion of the challenges facing agriculture and food production and possible ways forward, including any potential role for GM or not. We, therefore, hope that this can still go ahead.

THE NEW APPROACH

We consider that the European Commission's proposed approach is a sensible way forward. It makes a much clearer distinction between the role of the scientific risk assessment made by the European Food Safety Authority (EFSA) within the approval process and the role of other social and economic factors that may come into play at national level. At the moment, these concerns are difficult to disentangle with economic and political issues sometimes conflated into scientific or safety concerns. The new approach means that Member States will be able to adopt measures restricting or prohibiting the cultivation of all or particular genetically modified organisms (GMOs) provided that (proposed Article 26b of Directive 2001/18):

- (a) those measures are based on grounds other than those related to the assessment of the adverse effect on health and environment which might arise from the deliberate release or the placing on the market of GMOs; and*
- (b) that they are in conformity with the Treaties.*

We hope that the approach now proposed will be a more effective mechanism for ensuring meaningful consumer choice. As we set out in our October 2006 response to Defra's consultation on managing the co-existence of GM, conventional and organic crops, for example¹, the proposed approach was inadequate as it took the 0.9 per cent threshold for what should be 'adventitious' contamination from the labelling provisions of the GM food and feed regulations (Regulation 1829/2003) as a starting point. We expressed disappointment that Defra has made the decision to use this threshold for a different purpose, ie. as a threshold for the level of contamination that would be permitted in all foods, rather than when it is truly technically unavoidable. This could lead to consumers who believe that they are buying non-GM products being misled.

¹ <http://www.which.co.uk/about-which/what-we-do/which-policy/food/new-technologies/gm-foods/index.jsp>



If GM crops are to be grown in the UK, it is important that they do not compromise consumers' choice of alternatives and so the aim should be to minimise contamination.

We therefore hope that Defra will review the approach to co-existence and ensure that it is consistent with consumers' requirements for an effective choice in light of the greater flexibility that this proposal would permit. It should mean, for example, that the cultivation of GM crops can be restricted where this presents too great a risk of cross-contamination.

CONCLUSION

In general, we consider that the Commission's proposal is a pragmatic way forward that should enable Defra to give greater consideration to consumer choice.

Which?
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