Dear Ms Turco,

**Subject:** Your open letter on the public consultation on legislation for plants produced by certain new genomic techniques

Thank you for your open letter of 9 June 2022\(^1\) addressed to Executive Vice-President Timmermans, Commissioner Kyriakides, Commissioner Sinkevičius, Commissioner Wojciechowski and Commissioner Breton, who have asked me to reply on their behalf.

In your letter, you inform the Commission of your decision not to participate in the ongoing public consultation\(^2\) on legislation for plants produced by certain new genomic techniques (NGTs). In your view, there is insufficient possibility for respondents to express a view in favour of maintaining the current GMO legislation when replying to the questionnaire, and the Commission has not taken account of the diversity of opinions arising from the feedback from the inception impact assessment\(^2\) on the same topic, especially the feedback opposing the initiative. These points were also raised by your organisation in a meeting with Cabinets of Executive Vice-President Timmermans and Commissioner Kyriakides, as well as with DG SANTE on 3 May 2022.

Let me first express my regret that your organisation has decided not to submit its views or any evidence in the context of the on-going public consultation.

As you know, the Commission has initiated this policy action as a result of the conclusions of its study of 29 April 2021, itself based on assessments made by EFSA, the Commission’s Joint Research Centre and the input of Member States and stakeholders. The study concluded that there are strong indications that the current framework is not fit for purpose for certain NGT products and this warranted the start of a policy initiative. This policy action will be underpinned by an impact assessment, on the basis of which the Commission will decide whether the current legal framework is to be maintained or a new framework should be proposed for these products. Therefore, the fact that the Commission has initiated an impact assessment in no way prejudges the outcome of this process. This is exactly the reason why the Commission carries out impact assessments,

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\(^1\) Our reference Ares(2022)4478242


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i.e. to gather all views and assess potential impacts of various options on different sectors and stakeholders.

In our view, the public consultation questionnaire reflects the wide diversity of stakeholder views and provides ample opportunity for respondents to express a view in favour of maintaining the current GMO legislation.

Section A of the questionnaire refers to possible shortcomings of the current GMO legislation as regards plants produced by targeted mutagenesis and cisgenesis, as identified by the Commission’s study referred to above. The questionnaire then poses questions on whether these conclusions are shared and whether the legislation is adequate or not for these products, and for each answer it allows, by means of multiple-choice answers, to indicate the underlying reasons. As an example, a respondent can choose to answer that the current legislation is adequate, and indicate that this is due to appropriate authorisation, risk assessment, labelling and traceability requirements. Furthermore, an open space field gives the possibility to express additional reasons. In the same section, respondents can indicate whether maintaining the GMO legislation would have positive or negative impacts.

Section B consults on main policy elements of a potential new framework, i.e. risk assessment, sustainability, labelling and traceability. In each of these, answer choices include the full range of views received in the feedback to the inception impact assessment. For example, respondents can reply that the current risk assessment and detection method requirements need to be maintained, and that transparency for operators and consumers can be achieved via a physical label on the final product. On sustainability, respondents can reply that sustainability considerations do not need to be introduced and can indicate which traits do not contribute to sustainability.

Section C consults on specific topics, including co-existence with conventional or organic agriculture and facilitation of access to technologies and genetic plant resources. The questionnaire is complemented with free text fields (and the possibility to upload documents) which can be used to provide additional replies, arguments, or information. The questionnaire thus gives the possibility to all respondents to express their views.

You have also raised additional issues regarding the content of the questionnaire, which I have addressed in the annex to this letter. However, I would like to emphasise that the additional issues you have raised are exactly the kind of matters that we expected to be addressed in the context of a reply to the public consultation.

The Commission is deeply committed to the principles of developing policy proposals in an inclusive and transparent process in which all stakeholders are welcome and encouraged to participate. These principles guarantee that all arguments and opinions are properly taken into account. We take good note of the points raised in your letter but we still hope that you will reconsider your decision and provide feedback to the public consultation. This will be valuable to contribute to a comprehensive impact assessment on this important topic.

Yours sincerely,

Claire BURY

Electronically signed on 07/07/2022 18:14 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121