

Brussels, 15 July 2020

From: **Primary Food Processors (PFP)**

To: **European Commission – TRIS**

Re: **TRIS notifications by France about in vitro random mutagenesis (genetically modified organisms) - 2020/280/F, 2020/281/F, 2020/282/F**

Primary Food Processors is composed of six trade associations, representing manufacturers of sugar, starch, flour, vegetable proteins, cocoa, and vegetable oil and protein-meal products respectively. PFP members process approximately 220 Million tonnes of raw materials (cereals, sugar beet, rapeseeds, soybeans, sunflower seeds, crude vegetable oil, cocoa products, starch potatoes...) employing over 120 000 people in the European Union and providing one million indirect jobs.

PFP is extremely concerned about the impact that these draft French regulations would have on the integrity of the EU's single market and the free movement of both intra-EU and imported crops and seeds that our industries are sourcing on a continuous basis. PFP is also concerned about the implications of these draft regulations on the status of processed products and the ability to continue supplying them to France.

While the notified French legislative orders are today focusing on certain rapeseed varieties, PFP is particularly worried that such decree, if implemented, would also impact other varieties, where those varieties are obtained via "*in vitro random mutagenesis*", thus creating huge legal uncertainty for all PFP sectors.

The draft French Decree amends the definition of 'mutagenesis', expressly removing "*in vitro random mutagenesis*" from the techniques that are exempted from the scope of the regulations on GMOs. The resulting *in vitro*-derived organisms would thus become GMOs and, because they have not been evaluated and authorised under the regulations on GMOs, deemed to be non-authorised GMOs in France.

A differentiation between in-vitro and in-vivo mutagenesis techniques is not implied either in the GMO law (Directive 18/2001, Reg.1829/2003 and Reg. 1830/2003 and related acts) or in the seed legislation. Until now the Commission and the Member States have never made a distinction between in-vivo and in-vitro mutagenesis, neither when implementing the EU seed legislation on plant reproductive material, nor in the existing EU GMO legislation. By revoking and deleting certain varieties obtained via *in vitro random mutagenesis* from the Official Catalogue of Species and Varieties of Cultivated Crops in France, these varieties will no longer be able to be cultivated in France, however they will not be withdrawn from the European Union catalogue. EU Member States, with the exception of France, will continue to be legally entitled to cultivate these varieties. Considering the current absence of reliable and standard detection methods, PFP members, as food operators, will therefore find it impossible to ensure compliance of the crops they source.

As stated above, they are also very concerned about the legal uncertainty created in France around the status of processed products derived from varieties obtained *via in vitro random mutagenesis*, due to the introduction of a different definition of GMO compared to the one in Directive 18/2001 which is the



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reference used in Regulation 1829/2003. Should these products be considered to be derived from (non-authorised) GMOs, this would de facto prevent PFP companies importing into France products that are lawfully produced in other EU Member States.

For the above-mentioned reasons, PFP asks the EU authorities to suspend the application of the proposed Decree.

The **Primary Food Processors of the EU (PFP)** is composed by:

**European Committee of Sugar Manufacturers (CEFS)**

**European Cocoa Association (ECA)**

**European Flour Milling Association (European Flour Millers)**

**European Vegetable Protein Federation (EUVEPRO)**

**European Vegetable Oil and Proteinmeal Industry (FEDIOL)**

**European Starch Industry Association (Starch Europe)**