Response to Hungarian draft act to ban cultured meat

[Note: Submitted by Dwayne Holmes (Director – Stichting New Harvest Netherlands) on behalf of all authors, a select group of members from the FEASTS consortium. A full list of authors and a disclaimer about how these recommendations relate to FEASTS, other members of the consortium, the European Union, and Horizon Europe can be found at the end of the document.]

As members of a consortium researching the socio-economic impact and safety of cultured meat and seafood (CM/CSF) in the European context, we wish to respond to Hungary's "*Draft Act prohibiting the production and placing on the market of laboratory-grown mea*t".

While we share the concerns of the authors of the proposed act that there is a need to protect personal and environmental health, as well as prevent negative socio-economic impacts from the adoption of new technologies, there is no evidence to suggest that CM/CSF inherently, let alone indisputably, poses a threat to health or to fundamental societal values.

In point 8 of their notification message, the authors correctly point out that: "Answers to the questions raised will only be possible on the basis of a comprehensive impact assessment." This fact argues for more public information about CM/CSF technologies, products, and potential impacts of their adoption -- efforts to obtain this already existing within an EU-funded project -- rather than allowing a pre-emptive ban whose justification is openly based on "presumed" adverse affects, and whose acceptance would set precedent for undercutting existing EU approval procedures.

There is also no urgency to justify enacting a ban at this time, to protect against presumed adverse societal effects. Given their stage of development, including lack of large scale facilities or sales where CM/CSF products have already been approved in non-EU markets, such a ban appears premature.

The following are critical takeaway issues with the draft act (**in bold**) that stand against its acceptance, especially where existing processes or projects can address concerns raised by the authors of the proposed ban:

1) Rigorous health & safety assessment is built into the EU market approval process.

Establishing food safety is already required before granting CM/CSF products access to European markets. The European Food Safety Authority (EFSA) is the agency tasked with identifying risks such products may pose to consumer health, whether a specific product would fall under GMO regulations (using genetically modified cells, or cell products), or under Novel Food regulations (no GMOs/products). This risk assessment process is rigorous, time-consuming, and with more evidence open to the public than found in other jurisdictions.

Currently, only one dossier for a CM/CSF product has been submitted to EFSA. The completion of this assessment -- much less full approval -- will take considerable time and involve extensive

documentation of safety, covering both short and long-term effects on consumer health. These facts would appear to undercut one of the reasons given for enacting it -- food safety would have to be reasonably established by a recognized EU authority on that subject.

2) Impact Assessment beyond physical health is also built into the EU approval process.

Regulatory approval to the EU market also allows for the consideration of impacts beyond the physical health and safety of consumers. Following a positive risk assessment by EFSA, representatives from member states can consider, and ultimately determine approval to EU markets based on, other potential impacts, whether economic or societal, during the process of risk management. Within the Novel Food regulatory pathway, this is handled by the Plants, Animals, Food and Feed (PAFF) committee.

Similar to the first point, the existence of mechanisms for member states to consider potential impacts beyond issues of health during the approval process, appears to undercut the need and urgency for a general ban that bypasses -- and calls into question -- existing approval processes.

3) Banning new methods and products itself conflicts with European tradition and values.

Traditional food production is itself the result of centuries of agricultural innovation, with those working in this sector continually developing their methods, often including the adoption of new technologies. Although based on recent advances in cell biology, emerging CM/CSF technologies represent the potential to contribute to Europe’s long tradition of technological innovation -- putting more tools in the tool belt -- and CM products a greater range of foods for consumers to choose from. Much like previous innovations, instead of reducing, they could expand opportunities for producers and consumers alike.

Further, one of the fundamental societal values held within Europe is the freedom to choose what is good for oneself and one's family. EU market approvals of CM/CSF products would not force those interested in maintaining current livestock-based methods and products to adopt CM/CSF, and so would not violate this. In contrast, a pre-emptive ban would conflict with this fundamental value by artificially restricting what people can choose, while also defying the actual tradition of European food production, which allows for the exploration, testing, and development of new methods and products to see how they may improve people's lives and livelihoods.

4) The rationale for the proposed ban is inconsistent and sets a difficult precedent.

Point 9 of the notification message states that "Increased production of laboratory-grown meat can have an adverse impact on the agricultural sector and rural living conditions as a whole.", but then follows this by saying "... consumer opposition to laboratory-grown meat exceeds the rejection of food containing insect protein." Beyond existing questions of whether CM/CSF can reach appropriate scale-up, if consumer opposition is as high as the authors suggest then it will not be economically viable and the "problem" would solve itself in the marketplace, making a ban at the government level unnecessary. And if the problem is "increased production" rather than "any production", targeted policies to prevent such affects based on scale could be enacted, rather than a blanket ban.

More important, the preamble to the act states that the threat addressed by the ban is posed by "... technologies and production methods other than traditional food production..." and point 9 of the notification message refers to "... preservation of the traditional rural way of life...". Without a clear definition of what "traditional" is, and identification of the negative impacts being prevented, this opens the door to arbitrary bans in any sector from member states using similarly vague claims. And it could also, if applied consistently to other new technologies and products, act to lock production methods and ways of life into where they are now. In that case, so-called "preservation" could become legally enforced stagnation.

5) The European Union is committed to obtaining information on the topics of concern.

As mentioned earlier, the importance of a comprehensive impact assessment was identified in the notification message supporting the draft act. And to cement this point, it should be noted that given the nascent state of CM/CSF technologies and a lack of public information about them, claims regarding both positive and negative impacts are currently theoretical extrapolations and not definitive conclusions. They both require more evidence. Toward this end, a research project has already started to investigate the potential impact of cultured meat and seafood, in the European context, funded through the EU's Horizon Farm2Fork initiative.

FEASTS (Fostering European cellular-Agriculture for Sustainable Transition Solutions) is meant to provide unbiased information about CM/CSF that can be used to build a comprehensive impact assessment. It involves multi-stakeholder engagement, including outreach to those within or dependent upon the current livestock-based food value chain. Similar to work being conducted in the UK (CARMA, RAU) it seeks input from potentially affected communities to understand their concerns and what information they would like to have about CM/CSF technologies and products, as well as forms of implementation.

Point 8 specifically states that the ban's justification is based upon "... adverse affects that can be presumed in advance...". However, the authors do not specify these adverse affects, and given the many different forms of CM/CSF technologies, products, and how these technologies might be implemented, it does not seem plausible to presume that any outcomes are inevitable. As it is, it is still not determined whether these nascent technologies will be able to reach adequate scales of production or consumption, so that they will be commercially viable. Like previous takeaways, this appears to leave the ban, at this point in time, without justification.

Additionally, such bans could act to reduce or prevent the kinds of research programs needed to inform the public and policymakers about potential impacts of these technologies.
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Taken together, these key points argue for not accepting the draft ban.

Authors of the proposed ban, as well as citizens and policymakers from all EU member states, are welcome to engage with the FEASTS project, to better understand CM/CSF technologies and products, and to provide concerns and questions that can help support a comprehensive impact assessment. With such information, targeted regulations or improvements to current regulations, rather than indiscriminate and whole sale bans, could be identified and enacted to prevent potential

negative impacts from occurring, while preserving potential positive impacts, including continued freedom of choice for food producers and consumers.

The above comments were prepared and approved by the following (in alphabetical order):

Paola Sanjuan Alberte
Ralf Becks
Katharina Brenner
Polymeros Chrysochou
Gonçalo Fernando
Frederico Castelo Ferreira
João Pedro Marques Garcia
Shashank Goyal
Marius Henkel
Dwayne Holmes
Panos Kostopoulos
Stefano Lattanzi
Vincent Laizé
Marja-Liisa Meurice
Jordi Morales-Dalmau
Sara M. Oliveira
Mickael Penvern
Claude Rescan
Carlos A.V. Rodrigues
Nike Schiavo
Stefan Schillberg
Boštjan Vihar
Kiron Viswanath
Jette Feveile Young
Florentine Zieglowski

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