

Stakeholder questionnaire on new genomic techniques to contribute to a Commission study requested by the Council

Fields marked with * are mandatory.

Questionnaire on new genomic techniques to contribute to the study requested by the Council

Discussed and finalised in the Ad-hoc Stakeholder meeting on 10 February 2020

B a c k g r o u n d

The Council has requested [1] the Commission to submit, by 30 April 2021, “a study in light of the Court of Justice’s judgment in Case C-528/16 regarding the status of novel genomic techniques under Union law” (*i. e.* Directive 2001/18/EC, Regulation (EC) 1829/2003, Regulation (EC) 1830/2003 and Directive 2009/41 / E C) .

To respond to this Council’s request, the Commission is collecting contributions from the stakeholders through the questionnaire below. The study covers all new genomic techniques that have been developed a f t e r 2 0 0 1 .

I n s t r u c t i o n s

For the purpose of the study, the following definition for new genomic techniques (NGTs) is used: techniques that are capable of altering the genetic material of an organism and which have emerged or have been developed since 2001 [2].

Unless specified otherwise, the term “NGT-products” used in the questionnaire covers plants, animals, micro-organisms and derived food and feed products obtained by NGTs for agri-food, medicinal and industrial applications and for research.

Please substantiate your replies with explanations, data and source of information as well as with practical examples, whenever possible. If a reply to a specific question only applies to specific NGTs/organisms, please indicate this in the reply.

Please indicate which information should be treated as confidential in order to protect the commercial

[1] Council Decision (EU) 2019/1904, OJ L 293 14.11.2019, p. 103-104, <https://eur-lex.europa.eu/eli/dec/2019/1904/oj>

[2] Examples of techniques include: 1) Genome editing techniques such as CRISPR, TALEN, Zinc-finger nucleases, mega nucleases techniques, prime editing etc. These techniques can lead to mutagenesis and some of them also to cisgenesis, intragenesis or transgenesis. 2) Mutagenesis techniques such as oligonucleotide directed mutagenesis (ODM). 3) Epigenetic techniques such as RdDM. Conversely, techniques already in use prior to 2001, such as Agrobacterium mediated techniques or gene gun, are not considered NGTs.

[3] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98

Guidelines

Please note that the survey accepts a maximum of 5000 characters (with spaces) per reply field. You might be able to type more than 5000 characters, but then the text will not be accepted when you submit the questionnaire. You will also receive a warning message in red colour below the affected field.

You have the option to upload supporting documentation in the end of each section. You can upload multiple files, up to the size of 1 MB. However, note that any uploaded document cannot substitute your replies, which must still be given in a complete manner within the reply fields allocated for each question.

You can share the link from the invitation email with another colleague if you want to split the filling-out process or contribute from different locations; however, remember that all contributions feed into the same single questionnaire.

You can save the draft questionnaire and edit it before the final submission.

You can find additional information and help here: <https://ec.europa.eu/eusurvey/home/helpparticipants>

Participants have until 15 May 2020 (close of business) to submit the questionnaire via EUsurvey.

QUESTIONNAIRE

Please provide the full name and acronym of the EU-level association that you are representing, as well as your Transparency Registry number (if you are registered)

If the name of the association is not in English, please provide an English translation in a parenthesis

Primary Food Processors (PFP) represents the European Primary Food Processing industry PFP and is registered in the Transparency Register under nr 71338036982-24.

Please mention the sectors of activity/fields of interest of your association

Primary Food Processors (PFP) is composed of six trade associations, representing manufacturers of sugar, starch, flour, vegetable proteins, cocoa, and vegetable oil and protein meal products respectively. The principal activity of PFP members is to process agricultural raw materials into a range of commodities or ingredients that are purchased by secondary processors for food, feed and non-food uses. The primary food processing industry uses around 220 million tonnes of agricultural raw commodities (cereals, sugar beet, rapeseeds, soybeans, sunflower seeds, crude vegetable oil, starch potatoes, cocoa etc.) a year, employing over 120,000 people in Europe. PFP members form a vital link in the food chain, delivering efficiently produced, high quality safe food for our customers and the consumer.

If applicable, please indicate which member associations (national or EU-level), or individual companies /other entities have contributed to this questionnaire

European Committee of Sugar Manufacturers (CEFS)
European Cocoa Association (ECA)
European Flour Milling Association (European Flour Millers)
European Vegetable Protein Association (EUVEPRO)
European Vegetable Oil and Proteinmeal Industry (FEDIOL)
European Starch Industry Association (Starch Europe)
PFP has examined all the questions of this questionnaire and decided to only reply to some of them, considering that specific inputs will also be given by individual PFP member associations. PFP replies to the following questions: 1, 16, 20, 28. Therefore, answers to most questions are chosen by default due to the mandatory fields.

If applicable, indicate if all the replies refer to a specific technique or a specific organism

Our replies refer to the use of NGTs in plants.

A - Implementation and enforcement of the GMO legislation with regard to new genomic techniques (NGTs)

* 1. Are your members developing, using, or planning to use NGTs/NGT-products?

- Yes
 No
 Not applicable

* Please explain why not

Within the scope of their activities, PFP members currently do not develop plants derived from NGTs. Similarly, for the time being, PFP sectors ask their suppliers to provide non-NGT derived materials or products, mainly because of the non-authorisation in the context of Directive 2001/18/EC as well as detectability difficulties of NGTs throughout the supply chain. Nevertheless, should NGT products for different agricultural commodities become available, PFP members would consider to source and/or process them in accordance with EU legislation. A crucial factor to enable this, would be a tailored regulatory framework for these techniques and for commercialization of derived products. See however answer to question 28 relating to consumers' acceptability.

*** 2. Have your members taken or planned to take measures to protect themselves from unintentional use of NGT-products?**

- Yes
- No
- Not applicable

* Please provide details

Answer chosen by default, it does not represent a PFP answer

* 2 bis. Have you encountered any challenges?

- Yes
- No

* Please provide details

Answer chosen by default, it does not represent a PFP answer

*** 3. Are you aware of initiatives in your sector to develop, use, or of plans to use NGTs/NGT-products?**

- Yes
- No
- Not applicable

* Please provide details

Answer chosen by default, it does not represent a PFP answer

*** 4. Do you know of any initiatives in your sector to guard against unintentional use of NGT-products?**

- Yes
- No
- Not applicable

* Please provide details

Answer chosen by default, it does not represent a PFP answer

* 4 bis. Are you aware of any challenges encountered?

- Yes
- No

* Please provide details

Answer chosen by default, it does not represent a PFP answer

*** 5. Are your members taking specific measures to comply with the GMO legislation as regards organisms obtained by NGTs?**

Please also see question 8 specifically on labelling

- Yes
- No
- Not applicable

- * Please describe the measures and their effectiveness including details on the required financial, human resources and technical expertise

Answer chosen by default, it does not represent a PFP answer

- * What best practices can you share?

Answer chosen by default, it does not represent a PFP answer

- * 5 bis. What challenges have you encountered?

Answer chosen by default, it does not represent a PFP answer

- * **6. Has your organisation/your members been adequately supported by national and European authorities to conform to the legislation?**

- Yes
- No
- Not applicable

- * Please describe what type of support and what best practices you can share

Answer chosen by default, it does not represent a PFP answer

- * **7. Does your sector have experience or knowledge on traceability strategies, which could be used for tracing NGT-products?**

- Yes
- No
- Not applicable

- * Please describe the traceability strategy, including details on the required financial, human resources and technical expertise

Answer chosen by default, it does not represent a PFP answer

- * **8. Are your members taking specific measures for NGT-products to ensure the compliance with the labelling requirements of the GMO legislation?**

- Yes
- No
- Not applicable

- * Please describe the measures and their effectiveness including details on the required financial, human resources and technical expertise

Answer chosen by default, it does not represent a PFP answer

- * What best practices can you share?

Answer chosen by default, it does not represent a PFP answer

- * 8 bis. What challenges have you encountered?

Answer chosen by default, it does not represent a PFP answer

- * **9. Do you have other experience or knowledge that you can share on the application of the GMO legislation, including experimental releases (such as field trials or clinical trials), concerning NGTs/NGT-products ?**

- Yes
- No
- Not applicable

- * Please describe for the:

- Agri-food sector
- Industrial sector
- Medicinal sector

Agri-food sector

Answer chosen by default, it does not represent a PFP answer

Please upload any supporting documentation for this section here. For each document, please indicate which question it is complementing

The maximum file size is 1 MB

B - Information on research on NGTs/NGT-products

- * **10. Are your members carrying out NGT-related research in your sector?**

- Yes
- No
- Not applicable

- * Please specify including subject, type of research, resources allocated, research location

Answer chosen by default, it does not represent a PFP answer

- * **11. Are you aware of other NGT-related research in your sector?**

- Yes

- No
- Not applicable

* Please specify

Answer chosen by default, it does not represent a PFP answer

*** 12. Has there been any immediate impact on NGT-related research in your sector following the Court of Justice of the EU ruling on mutagenesis?**

Court of Justice ruling: Case C-528/16 <http://curia.europa.eu/juris/documents.jsf?num=C-528/16>

- Yes
- No
- Not applicable

* Please describe

Answer chosen by default, it does not represent a PFP answer

*** 13. Could NGT-related research bring benefits/opportunities to your sector/field of interest?**

- Yes
- No
- Not applicable

* Please provide concrete examples/data

Answer chosen by default, it does not represent a PFP answer

*** 14. Is NGT-related research facing challenges in your sector/field of interest?**

- Yes
- No
- Not applicable

* Please provide concrete examples/data

Answer chosen by default, it does not represent a PFP answer

*** 15. Have you identified any NGT-related research needs/gaps?**

- Yes
- No
- Not applicable

* Please specify which needs/gaps, explain the reasoning and how these needs/gaps could be addressed

Answer chosen by default, it does not represent a PFP answer

Please upload any supporting documentation for this section here. For each document, please indicate which question it is complementing

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C - Information on potential opportunities and benefits of NGTs/NGT-products

*** 16. Could NGTs/NGT-products bring benefits/opportunities to your sector/field of interest?**

- Yes
 No

* Please describe and provide concrete examples/data

The ambitions set out in the European Green Deal as well as the focus of the forthcoming Farm to Fork strategy on sustainable and more resilient food systems, demonstrates the need to reduce the environmental impact of the agricultural supply chain. As food business operators we can and want to play a important role in this transition. PFP believes that innovation and new technologies are needed in this context.

NGTs provide a promising potential for the PFP member companies as they may:

- a) Provide breeders with innovative solutions to enhance plants disease resistance, thus reducing the need for pesticides;
- b) Enhance plants tolerance to drought, and effectively adapt to climate change;
- c) Assist in reducing plants allergenicity (the potential to cause an allergic reaction);
- d) Improve food quality and properties;
- e) Contribute to enhanced food safety with varieties less prone to mycotoxins or other problems that pose a health risk.

* Are these benefits/opportunities specific to NGTs/NGT-products?

- Yes
 No

* Please explain

PFP considers NGTs to be complementary tools to support the transition towards more sustainable production of raw materials and ingredients while maintaining a high standard of food safety and quality. The key opportunity for PFP members lies in the faster and more cost-efficient way this can be achieved, compared to conventional breeding techniques.

*** 17. Could NGTs/NGT-products bring benefits/opportunities to society in general such as for the environment, human, animal and plant health, consumers, animal welfare, as well as social and economic benefits?**

- Yes
 No

* Please describe and provide concrete examples/data

Answer chosen by default, this does not represent a PFP answer

* Under which conditions do you consider this would be the case?

Answer chosen by default, this does not represent a PFP answer

* Are these benefits/opportunities specific to NGTs/NGT-products?

- Yes
 No

* Please explain

Answer chosen by default, this does not represent a PFP answer

* **18. Do you see particular opportunities for SMEs/small scale operators to access markets with their NGTs/NGT-products?**

- Yes
 No

* Please describe and provide concrete examples/data

Answer chosen by default, this does not represent a PFP answer

* **19. Do you see benefits/opportunities from patenting or accessing patented NGTs/NGT-products?**

- Yes
 No

* Please describe and provide concrete examples/data

Answer chosen by default, this does not represent a PFP answer

Please upload any supporting documentation for this section here. For each document, please indicate which question it is complementing

The maximum file size is 1 MB

D - Information on potential challenges and concerns on NGTs/NGT-products

* **20. Could NGTs/NGT-products raise challenges/concerns for your sector/field of interest?**

- Yes
 No

* Please describe and provide concrete examples/data

NGTs and NGT-derived products have the potential to bring much added value to PFP sectors in food processing, yet there are a number of obstacles that need to be taken into account. There is currently a high degree of legal uncertainty surrounding NGTs, which does not encourage R&D and commercial efforts. The competitiveness of the agri-food sector also needs to be considered in view of the EU's position on the global market. Currently, NGTs are regulated according to the GMO Directive, whereas third countries already have or are developing legislation that enables the use of NGTs. Hence, the EU risks a competitive disadvantage in global agricultural commodity trade as well as innovation.

* Are these challenges/concerns specific to NGTs/NGT-products?

- Yes
 No

* Please explain

Yes. If NGTs are treated as GMOs in the EU, this will cause divergence with the legislation in many countries outside of the EU. A particular issue then would be that most NGTs are indistinguishable from plants obtained via traditional means, there is no means to detect them analytically.

* **21. Could NGTs/NGT-products raise challenges/concerns for society in general such as for the environment, human, animal and plant health, consumers, animal welfare, as well as social and economic challenges?**

- Yes
 No

* Please describe and provide concrete examples/data

Answer chosen by default, it does not represent a PFP answer

* Under which conditions do you consider this would be the case?

Answer chosen by default, it does not represent a PFP answer

* Are these challenges/concerns specific to NGTs/products obtained by NGTs?

- Yes
 No

* Please explain

Answer chosen by default, it does not represent a PFP answer

* **22. Do you see particular challenges for SMEs/small scale operators to access markets with their NGTs /NGT-products?**

- Yes
 No

* Please explain and provide concrete examples and data

Answer chosen by default, it does not represent a PFP answer

* **23. Do you see challenges/concerns from patenting or accessing patented NGTs/NGT-products?**

- Yes
 No

* Please describe and provide concrete examples/data

Answer chosen by default, it does not represent a PFP answer

Please upload any supporting documentation for this section here. For each document, please indicate which question it is complementing

The maximum file size is 1 MB

E - Safety of NGTs/NGT-products

* **24. What is your view on the safety of NGTs/NGT-products? Please substantiate your reply**

PFP does not answer to this question.

* **25. Do you have specific safety considerations on NGTs/NGT-products?**

- Yes
 No

* Please explain

Answer chosen by default, it does not represent a PFP answer

Please upload any supporting documentation for this section here. For each document, please indicate which question it is complementing

The maximum file size is 1 MB

F - Ethical aspects of NGTs/NGT-products

* **26. What is your view on ethical aspects related to NGTs/NGT-products? Please substantiate your reply**

PFP does not answer to this question.

* **27. Do you have specific ethical considerations on NGTs/NGT-products?**

- Yes

No

* Please explain

Answer chosen by default, it does not represent a PFP answer

Please upload any supporting documentation for this section here

The maximum file size is 1 MB

G - Consumers' right for information/freedom of choice

* **28. What is your view on the labelling of NGT-products? Please substantiate your reply**

PFP considers that transparency and traceability are key elements with regard to NGT products. The principle of clear and non-misleading food labelling is already enshrined in EU legislation (Regulation (EU) 1169/2011), which should also apply to NGT products. It is important that labelling information matches the reality of consumer and civil society understanding of the benefits of NGTs and PFP recommends that educative efforts be undertaken on this aspect.

PFP members implement traceability procedures in line with GMO legislation as well as fully support exchange of information throughout the agricultural supply chain. However, we express our doubts as for the efficiency of available traceability procedures due to the unavailability of methods that would detect NGTs.

Please upload any supporting documentation for this section here. For each document, please indicate which question it is complementing

The maximum file size is 1 MB

H - Final question

* **29. Do you have other comments you would like to make?**

Yes
 No

Please upload any supporting documentation for this section here. For each document, please indicate which question it is complementing

The maximum file size is 1 MB

Contact

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