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Executive Vice-President for the European Green Deal

Mr Valdis Dombrovskis
Executive Vice-President for an Economy that Works for the People

Mr Maroš Šefčovič
Vice-President for Inter-institutional Relations and Foresight

Mr Michel Barnier
Special Adviser to the President of the European Commission on the EU-UK TCA

Copies to:
Mr Charles Michel, President of the European Council
Ms Roberta Metsola, President of the European Parliament

By electronic mail

13 September 2022

Re: UK deregulation of genetically modified organisms

Dear Executive Vice-Presidents, Dear Vice-President, Dear Mr Barnier,

We are coming back to our previous letter of 15 March 2021 on a potential breach of the EU-UK Trade and Cooperation Agreement (TCA).

Since our last letter exchange, the UK government has excluded the non-commercial release of certain genetically modified (GM) plants from England’s Environmental Protection Act 1990, which transposes EU GMO requirements into national law.¹ The new provisions, entered into force on 11 April this year, abolish existing pre-release assessments and monitoring requirements for the environmental release of experimental GM plants. These have been replaced with a “notification” system which allows developers to self-declare the status and safety of their environmental releases.

¹ [The Genetically Modified Organisms \(Deliberate Release\) \(Amendment\) \(England\) Regulations 2022](#)

On 25 May, the UK government proposed a new bill² on the release and marketing of “precision bred” plants and animals, a subcategory of GM plants and animals that, according to current UK guidance³, includes most types of genetically modified organisms. If adopted, this bill would abolish existing requirements for GMO risk assessment, traceability and consumer labelling. Developers would merely be required to “notify” the government of their intent to put a new GMO in the field or on the market. These notifications would be “reviewed” but not subject to thorough assessment, and developers would be trusted to deal with any environmental or food safety issues that may arise under this new “light-touch”, self-regulatory approach.

We note that the UK Regulatory Policy Committee has twice rejected the Impact Assessment for the bill calling it “not fit for purpose” because it fails to take into account the likely impact of deregulation on a wide range of businesses and on trade.⁴

If adopted, the new bill would significantly weaken the regulation of genetically modified organisms under the Environmental Protection Act 1990. The bill demonstrates a complete disregard of the precautionary principle, weakening England’s health, environmental and animal welfare standards, compared to those of the EU. The bill was drafted without the benefit of an environmental impact assessment and does not require “precision bred organisms” to be subject to environmental assessment. This is a potential breach of the UK’s Environment Act 2021⁵, which requires environmental principles to inform government policy. It is also a clear breach of the TCA’s principle of non-regression and should be dealt with in accordance with the non-regression clause of the agreement.

The bill also contains no provisions for equitable co-existence and/or separation of GMO and conventional, non-GMO crops and products. At all points along the supply chain, from farm to fork, such provisions are necessary to ensure non-GMO and especially organic businesses are not adversely impacted. The loss of labelling and traceability also removes consumers’ right to make informed decisions about the food they consume.

Finally the UK government’s new Food Strategy states: “We are taking the opportunity to move away from the rigid EU framework of ‘standard’ check levels. Instead, border checks will be used only when necessary to protect our biosecurity.”⁶ If UK GMO products remain unlabelled and untraceable the risk of unauthorised GMO products entering the EU food chain increases.

In your response to our previous letter, you reassured us that the Commission would “consider appropriate actions to protect the EU’s interests” in case any introduced changes “result in lowering the level of protection or significant divergences in areas under the scope of the TCA on level playing field”. We are convinced that the UK’s recent actions to deregulate genome edited crops and foods have elevated the threat to EU interests and look forward to hearing from you what steps you will take to safeguard the highest level of protection of our environment, food safety and public health.

Yours sincerely,

Magda Stoczkiewicz
Programme Director, Greenpeace European Unit

² [Genetic Technology \(Precision Breeding\) Bill - Parliamentary Bills](#)

³ [ACRE guidance on genetic technologies that result in ‘qualifying higher plants’ - GOV.UK](#)

⁴ [The Genetic Technologies \(Precision Breeding\) Bill: Regulatory Policy Committee Opinion - GOV.UK](#)

⁵ [Environment Act 2021](#)

⁶ [UK Government Food Strategy](#)

Also on behalf of:

Beyond GM
Biodynamic Association
Corporate Europe Observatory
Compassion in World Farming
Ecoropa
Eurocoop
European Coordination Via Campesina
Farms Not Factories
Friends of the Earth Europe
Friends of the Earth UK
Gaia Foundation
GM Freeze
GMWatch
IFOAM Organics Europe
Landworkers' Alliance
Organic Farmers & Growers
Pesticide Action Network UK
Seed Sovereignty/The Gaia Foundation
Slow Food Europe
Slow Food in the UK
Sustain
Sustainable Food Trust
Unite the Union