

To:

- Mr Jean-Claude Juncker, President of the European Commission,
- Mr Frans Timmermans, Commissioner for Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights,
- Mr Vytenis Andriukaitis, Commissioner for Health & Food Safety,

Rue de la Loi 200, B – 1049 Brussels, Belgium

*Re: the Rule of Law, Better Regulation and the EU GMO legislation*

10 July 2017

Dear President Juncker and Commissioners Timmermans and Andriukaitis,

I write on behalf of the Public Research and Regulation Initiative (PRRI), a world-wide organisation of public sector scientists active in modern biotechnology for the common good. PRRI aims to a) help public researchers in better understanding regulations pertaining to modern biotechnology and b) to bring better understanding of science and research to the public debate on those regulations. (For more information about PRRI, please see: [www.ppri.net](http://www.ppri.net)).

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The establishment of PRRI was triggered in 2004 by the apparent absence of public sector scientists in Meetings of the Parties to the Cartagena Protocol on Biosafety. Yet, PRRI also takes great interest in the EU legislation on genetically modified organisms (GMOs), among other reasons because the EU regulations and policies on GMOs can have a significant impact on regulations and policies in developing countries, and thereby on important public sector research in those countries.

It is therefore very important that the Member States and the institutions of the European Union adhere to the democratically adopted EU legislation for GMOs, such as the Directive on the Deliberate Release of GMOs. The objectives of that Directive are 1) harmonisation, and 2) protection of human health and the environment. The basis for decision making under that Directive is scientifically sound risk assessment, and a key role for that is placed in the hands of scientific bodies, such as the European Food Safety Authority (EFSA).

As you may know, some Member States have over the years repeatedly acted in contravention of the objectives and provisions of that Directive, for example by evoking the so called ‘safeguard clause’ without providing new scientific information to justify such a drastic step.

I therefore respectfully seek your confirmation that the European Commission, as custodian of EU law and principles, will take its decisions pertaining to the GMO legislation in accordance with the Rule of Law and the Better Regulation principles, i.e. within the time frames and based on the legal criteria laid down in the law.

A good case to demonstrate the Commission's seriousness about the Rule of Law and the Better Regulation principles would be the GMO cultivation dossiers on which the Commission will need to decide soon. Given that the Commission has, based on positive EFSA advice, submitted drafts for authorization decisions to the standing committee (which resulted in a 'no opinion' by the committee), and given that no new information relevant to the objectives of the Directive has been brought forward, it would be a legitimate expectation that the Commission adopts positive authorization decisions in line with the draft implementing acts which it presented to the committee.

For public sector scientists it is extremely important that the implementation of EU rules for GMOs is based on the law, transparent, predictable and in line with the so called 'Innovation Principle'. Over the years much important EU public research in the field of biotechnology has been stopped or moved abroad because of the way in which the GMO regulations have been implemented. This regrettable development significantly reduces the possibilities of the EU to strengthen sustainable farming, health care and environmental protection, and must therefore urgently be reversed. The European Commission is in a unique position to contribute to that.

The PRRI stands ready to elaborate on this and to assist the Commission in its task.

Very sincerely



Em. Prof. Marc Baron Van Montagu,

Chairman of the Public Research and Regulation Initiative

World Food Prize Laureate 2013