

European Court of Justice does not request a more detailed investigation of risks of genetically engineered soybeans

Decision on a legal challenge of three non-governmental organisations against approval of a soybeans from Monsanto (Bayer)
Thursday, 12 September 2019

Today, the European Court of Justice published the decision on a legal case filed by Testbiotech together with the European Network of Scientists for Social and Environmental Responsibility (ENSSER) and the environmental organisation Sambucus (C-82/17 P). The organisations are concerned about the risks connected with genetically engineered soybeans produced by Monsanto (Bayer) and sold under the brand name "Intacta". According to the decision of the Court, the risks of the genetically engineered soybeans have been investigated sufficiently before they were allowed for import. The organisations wanted to enforce higher standards for risk assessment of genetically engineered plants.

The plants inherit a specific combination of two genetically engineered traits: they express a so-called insecticidal Bt toxin and are resistant to glyphosate-based herbicides. These soybean plants are the first with a combination of such traits. The court action against the EU Commission was started in 2013. In reaction, Monsanto, the European Food Safety Authority (EFSA) and the UK government were all jointly supporting the EU Commission.

The NGOs are concerned that the health risks from the soybeans were not sufficiently investigated. It is the combinatorial effects of the residues from spraying the crops with glyphosate and the insecticidal proteins produced in the plants that are at issue here. In addition, there are indications that these soybeans pose risks to the immune system. A decisive question dealt with this case was the burden of proof i.e. who has to show that the genetically engineered plants are safe or unsafe.

"There is no doubt that so far, the EU did not apply the necessary scrutiny to the approval process of genetically engineered plants. Around 70 approvals for import have been granted by the EU already, most of these plants are genetically engineered in more than just one characteristic. The health risks posed by the consumption of food and feed derived from these plants have to be examined in much more detail. Also specific combinatorial effects of the herbicides and insecticides as contained in the plants have to be investigated," Christoph Then says for Testbiotech.

"We hope the new EU Commission will no longer follow the policy of the previous Commission but introduce a new policy, giving more weight to the protection of health and the environment rather than to the interests of industry. The EU also has to ask itself why imports of GE soybeans are allowed at all, if at the same time it is known and obvious that rainforest destruction and massive and large scale spraying of glyphosate are going along with these imports," Angelika Hilbeck says for ENSSER.

On 29 October, Testbiotech, ENSSER and GeneWatch UK will organise a conference in Switzerland to present several reports on flaws and deficits of current risk assessment in the EU and Switzerland of genetically engineered plants. The reports are the result of a research project conducted over several years (RAGES) which involved around a dozen scientists which are independent from interest of the development and the application of genetically engineered organisms. The EU Commission and EFSA are invited to participate at the conference. Testbiotech expects the outcome will significantly contribute to improvements in the EU approval process.

The EU court cases of Testbiotech are support by several foundations: Altner-Combecher Stiftung, grassroots foundation, Hatzfeld Stiftung, Software AG Stiftung as well as Zukunftsstiftung Landwirtschaft. Testbiotech won another court case in March 2018: the General Court of the EU decided that legal challenges on import authorisations were generally admissible (T-33/16). Testbiotech plans to file further legal cases against EU approvals of GE organisms by using the experience from the first cases decided.

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Further information: [The decision of the EU Court](#) [7]

[Background on the legal case](#) [8]

[Scientific publication on risk assessment of GE soybean Intacta](#) [9]

[Report on soybean cultivation in South America \(in German\)](#) [10]

[The RAGES conference](#) [11]

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Links

[1] <http://www.ensser.org>

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[7] <http://curia.europa.eu/juris/document/document.jsf?text=&docid=217665&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=13107636>

[8] <https://www.testbiotech.org/en/eucourt>

[9] <https://enveurope.springeropen.com/track/pdf/10.1186/s12302-016-0099-0>

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