

Start of proceedings in legal challenge to EU approval of genetically engineered maize

EFSA confirms: available data are insufficient to assess risks of herbicide resistant plants

14 November 2019 / Testbiotech has filed a new legal challenge against EU approval for the import of genetically engineered maize. The General Court of the European Union confirmed the start of the proceedings (T-534/19) and asked the EU Commission for a response. The new legal challenge is levelled at the import approval for genetically engineered maize produced by Bayer (Monsanto). The maize has more than one genetically engineered trait. As a result, it is doubly resistant to the herbicides glyphosate and glufosinate. In addition, the plants themselves produce six insecticidal toxins. The combined toxicity of the insecticides and the residues from spraying the herbicides were not tested. No feeding study was made available to test potential health effects of the maize at the stage of consumption.

The ‘stacked’ maize which was approved in December 2018 is derived from crossing five genetically engineered maize plants (MON 87427 x MON 89034 x 1507 x MON 88017 x 59122). In a detailed assessment, Testbiotech showed that the risks to the immune system were not sufficiently tested. Furthermore, the maize was not tested under the agricultural conditions in which it would be grown: much lower amount of pesticides were sprayed in the trials than would be applied in the fields by the farmers. Therefore, the data assessed by EFSA are not in accordance with the products that will be imported.

While the GMO experts of EFSA and the EU Commission are of the opinion that the plants are safe, just recently the pesticide experts at EFSA again confirmed there are not enough data to assess the safety of residues left from spraying the genetically engineered plants with glyphosate. For the first time, EFSA has now proposed lowering the maximum residue levels in GE soy and maize. Considering the uncertainties and unanswered questions, Testbiotech concludes that the EU Commission should not have approved the GE maize for import. Indeed, EU regulation requires the safety of genetically engineered plants to be demonstrated in accordance with highest scientific standards before being allowed on to the market. The legal challenge initiated by Testbiotech aims to strengthen the implementation of these statutory standards and regulations.

“In addition to our court case,, it is important to bring this GE ‘maize monster’ to wider public attention. If there is sufficient awareness, current EFSA and EU Commission practice can no longer simply be continued,” says Christoph Then for Testbiotech.

For several years now, the EU Parliament has harshly criticised current EU approvals practices. Just today, four resolutions against further approvals of GE plants were adopted. The resolutions concern two further variants of stacked GE maize plants as well as soybeans and cotton with resistance to herbicides. The EU Commission has yet to take a final decision on their authorisation. The outgoing EU Commissioner, Vytenis Andriukaitis, is known to be a fan of genetic engineering. The next months will show how the new Commissioner Stella Kyriakides will deal with these issues.

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Further information:

The text of the legal challenge:

<https://www.testbiotech.org/en/node/2441>

Further documents regarding the legal challenge:

<https://www.testbiotech.org/node/2440>

The new resolutions in the EU Parliament:

http://www.europarl.europa.eu/doceo/document/OJQ-9-2019-11-14_EN.html

Background on gaps and flaws in EU risk assessment (RAGES):

<https://www.testbiotech.org/en/content/rages-factsheet-summary>

Recent assessment of EFSA on glyphosate:

<http://www.efsa.europa.eu/en/efsajournal/pub/5862>