

To:

EU President Mr. Jean-Claude Juncker
EU Commissioner Mr. Vytenis Andriukaitis

Vienna / Berlin, November 2018

Open Letter

Judgment of the European Court of Justice on new genetic engineering proceedings: Ensuring the protection of GMO-free production

Dear President Juncker,
Dear Commissioner Andriukaitis,

As companies that generate significant sales of food and feed products without genetic engineering, **we very much welcome the ruling of the European Court of Justice on the legal status of new genetic engineering procedures** and the resulting products. The ruling creates the important basis for **legal certainty** our industry needs. It makes it unequivocally clear that the products produced using new genetic engineering techniques are also genetically modified organisms (GMOs). They are therefore subject to EU genetic engineering legislation; **the precautionary principle, the need for risk assessment and the labelling requirement** applies to them.

The judgment is of fundamental importance for the market segments covered by our companies (food trade, food production, feed production, agriculture; including the entire value chain):

- It frees us from the worry that feed and food produced using new genetic engineering methods would be put on the market in a manner not recognisable for manufacturers, marketers and consumers.
- It will enable us to continue to meet **the consumers' clearly expressed desire in our countries for food credibly produced without genetic engineering**. We can continue to guarantee our customers and business partners that the quality claim "Without GMOs" actually keeps what it promises.
- It secures the **investments** made by us: Our products from agriculture and food production are based on comprehensive certification processes and, in some sectors, far-reaching adjustments to formulations and production processes. These are associated with considerable logistical and financial costs for all parties involved in the value chain.
- It enables us **to grow further**: Feed and food production without genetic engineering has become an **important European market** factor that is constantly **gaining in demand**. In recent years we have succeeded in establishing a **new quality standard for numerous European countries that is equally important for consumers and manufacturers**. The range of products labelled "Without GMOs" is growing significantly in all segments, as is the total market volume of food and feed products without genetic engineering. The number of EU Member States using a non-GM labelling system is also increasing.

The central task will now be to properly implement the judgment and to take the necessary measures to protect the GMO-free food and feed industry. We assume that the Commission will ensure that existing EU legislation be respected at all levels of production.

Dear Mr Juncker, dear Mr Andriukaitis, we therefore ask you to ensure:

- That Member States carry out **field trials** with organisms or plants that have been classified as GMOs by the ruling of the European Court of Justice only in accordance with the requirements of EU genetic engineering legislation. If Member States should continue illegal release attempts, the Commission must initiate infringement proceedings.
- That Member States have rapid **access to detection methods for products manufactured using the new genetic technology**. This is particularly urgent for the herbicide-resistant rape-seed of CIBUS Company, which was produced using one of the new genetic engineering processes and is already being cultivated in the USA and Canada.
- That the EU Reference Laboratory EU-RL GMFF, on the basis of the mandatory information provided by the applicants, immediately develop detection methods for products produced with the new genetic engineering, that they be validated by the European Network of Genetic Engineering Laboratories (ENGL) and be published afterwards. These methods, including reference material, must be made available to all public and private laboratories. This must apply to both GMOs already authorised in third countries and non-authorised GMOs with which experimental releases are taking place.
- That a **transparency register** be established on an international level in which all GMOs produced with old and new genetic engineering worldwide are recorded.

With regard to imports, we assume that the Commission will ensure:

- That no organisms produced using new genetic engineering methods, which are not authorised in the EU, enter the European internal market. This requires **effective controls for the import of agricultural goods** from countries in which plants produced with the new genetic technologies are cultivated.
- That the EU's trading partners, in particular the US, **comply with EU genetic engineering legislation**. This means that anyone wishing to export GMOs to the EU must go through an EU approval procedure for these, and in this context also must supply detection methods and reference material for their products.

Dear Mr Juncker, dear Mr Andriukaitis, for us as companies operating "Without GMOs" it is of great importance that **no genetically modified organisms enter our supply chains** – and certainly not those that have neither undergone a risk assessment nor have been granted approval.

By no means do we want to unwittingly put GMOs into circulation and thus endanger the high level of confidence of consumers in our controlled GMO-free products. Therefore, a reliably functioning traceability, with valid systems for verification procedures, is indispensable for us. We would like to ask you to press ahead with their development.

We look forward to hearing from you and are of course available if you have any questions regarding this matter.

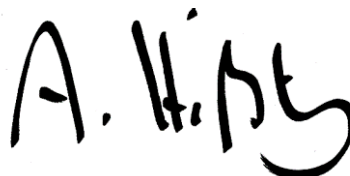
Sincere regards,

For the undersigned:



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This Open Letter is signed by the following companies:

Company	Signatory	Position	Country
<u>food retailing:</u>			
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REWE Group	Jan-Peer Brennecke	Own-Brand Managing Director Purchasing & Development	Germany
REWE International AG	Marcel Haraszi	Vorstandsvorsitzender	Austria
SPAR Österreichische Warenhandel GmbH	Gerhard Drexel	Vorstandsvorsitzender	Austria
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Dietrich Vriesen GmbH & Co. KG	Dietrich Vriesen	Inhaber	Germany
EiVita KG / Gnaser Frischeiproduktions GmbH	Andreas Hütter	Geschäftsführer	Austria
EKO Konzervipari Kft.	Zita Perduk	Head of the Sales office	Hungary
Feel Good Handels GmbH	Andreas Eschner	Geschäftsführer	Austria
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Molkerei Gropper GmbH & Co. KG	Stefanie Fischer	QMB	Germany
Molkereigenossenschaft Hohenlohe-Franken eG	Gunter Stirnkorb	Betriebsleitung	Germany
Müller Fleisch GmbH	Robert Rettenmaier	Leitung Qualitätssicherung	Germany
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The ProTerra Foundation	Veronica Rubio	Executive Director	Netherlands