

## Cartagena Protocol and new GMO laws in the EU- a step backwards for international biodiversity protection

Dear Danish Minister of Environment, Mr. Magnus Heunicke

Ahead of the meeting of the **COP 16 / CP-MOP 11 / NP-MOP 5 from 21 October onwards**, we would like to emphasise our concerns how the

The EU's legal requirements set out under the Cartagena Protocol raise questions about the legality of the EU's proposal to deregulate new GMOs.<sup>1</sup>

The EU's proposed legislation allows for some genetically modified organisms to be easily grown and sold in the EU. In the summer of 2023, following a long lobby campaign by agribusiness<sup>2</sup>, the EU Commission published proposals to deregulate new GMOs (2023/0226 (COD)). Under the new law, the majority of new GMOs could be sold and grown in the EU without any safety checks. Companies would no longer be required to provide a method to test for the presence of the new GMOs and all traceability requirements would be removed within the EU as well as for exports. No food and feed labelling would be required for most new GMOs and traceability abolished, so it would be impossible to find out whether a product had been grown or produced with new GMO techniques.

This means that these GMOs would not be subject to any safety checks. The absence of any safety checks for these new GMOs would mean that other countries would not have access to adequate information what is imported in their territories nor on the risks presented by the modified organism, resulting in a lower level of protection for the environment.

This lack of an adequate risk assessment would also mean that exporting countries would not be able to comply with the requirement under the Cartagena Protocol to provide a formal notification to the importing country that the product contained genetically modified material. Under the protocol, exporting countries are required to provide certain key information to the importing country, including the existing risk assessment.

Whilst seeds would remain labelled, other transparency for the safe handling, storage, transport and use set out in the Cartagena Protocol are not met anymore<sup>3</sup>. This would again result in a lower level of protection for importing countries and would appear to be in breach of the Cartagena Protocol.

Friends of the Earth Europe believes that to protect biodiversity the EU must retain the current requirements for safety tests and mandatory labelling for all generations of GMOs. This ensures EU

---

<sup>1</sup> Article 18 of the Cartagena Protocol provides for mandatory labelling of living modified organisms: *"Living modified organisms that are intended for intentional introduction into the environment of the Party of import and any other living modified organisms within the scope of the Protocol, clearly identifies them as living modified organisms; specifies the identity and relevant traits and/or characteristics, any requirements for the safe handling, storage, transport and use, the contact point for further information and, as appropriate, the name and address of the importer and exporter; and contains a declaration that the movement is in conformity with the requirements of this Protocol applicable to the export"*

<sup>2</sup> <https://corporateeurope.org/en/2021/03/derailing-eu-rules-new-gmos>

<sup>3</sup> Article 18 of the Cartagena Protocol states *"The Party of export shall notify, or require the exporter to ensure notification to, in writing, the competent national authority of the Party of import prior to the intentional transboundary movement of a living modified organism that falls within the scope of Article ] 7, paragraph 1. The notification shall contain, at a minimum, the information specified in Annex I."*

member states comply with the international requirements of the Cartagena Protocol and provide the information needed to protect global biodiversity.

We call on EU decision makers

- to ensure that third parties will remain fully informed whether EU exports contains living GMOs
- to ensure that GMOs underwent an environmental safety checks prior to its exports

Please find attached our briefing on the subject.

Kind regards,

NOAH - Friends of the Earth Denmark