

The Rt Hon Michael Gove, MP
Secretary of State for Environment, Food and Rural Affairs
Seacole Building
2 Marsham Street
London
SW1P 4DF

13 September 2018

Attention: The Rt Hon Michael Gove, MP
Re: Organisms obtained by mutagenesis

Dear Secretary of State

We are writing following the judgement passed down by the Court of Justice of the European Union (CJEU) in case C-528/16. The court has concluded that organisms obtained by newer forms of mutagenesis are GMOs and are subject to the obligations laid down by the GMO Directive.

We are very concerned about the impact of this ruling, and particularly its effect in the context of Brexit and the recent White Paper on the future relationship between the UK and the EU. We feel there are significant questions that must be addressed urgently by government if the UK is to retain its strength in plant genetics, to use innovation to boost productivity and competitiveness, and to meet the challenges of nutritional health and environmental protection. The ruling has profound implications for:

- **UK researchers** who are currently carrying out public-funded work into gene-edited crops in research institutes and universities that is set to deliver innovative solutions to tackle world hunger and crop adaptation to climate change.
- **UK plant breeders** who will be obligated to segregate material, but will have no means of testing material they wish to introduce into breeding lines to establish whether it originates from an organism obtained by mutagenesis.
- **UK farmers** who are tasked with producing food sustainably at world-market prices, under challenging and volatile circumstances, including changes in the support framework, but do not have access to the full range of innovative tools available to other farmers around the world.
- The **UK agri-food industry** that has already seen investment in R&D into European agriculture by large multinational companies fall from around 33% of global total 30 years ago to less than 8% now¹, purely as a result of an unscientific approach taken at an EU level to the precautionary principle.
- **UK consumers**, 70% of whom support the use of genome editing in plants to make crops more nutritious as a way of supplementing poor diets².
- **International trade**, where there is a serious risk that differences in regulatory status of gene-edited products will lead to major disruption, complicated by an inability to distinguish between gene-edited and conventionally bred material.

¹ *R&D Trends for Chemical Crop Protection Products and the Position of the European Market*, Sep 30, 2013, A consultancy study undertaken by Phillips McDougall for ECPA

² *Potential uses for genetic technologies: dialogue and engagement research conducted on behalf of the Royal Society*, Dec 2017, carried out by Hopkins Van Mill

In your consultation paper 'Health and Harmony', technology and innovation are presented as part of the answer to a reduction in direct payments and enhancing the competitiveness of UK farmers. Gene-editing is listed in the range of innovations to increase productivity, safeguard public goods and protect the environment. "*The potential for greater use of plant breeding techniques, making better use of genetics*" is highlighted specifically. This is clearly inconsistent with the direction the UK would have to take under the CJEU ruling. The public and private research community and the agri-food industry need clarity from government on how it will manage the implications of the EU approach to gene-editing alongside its proposals for a common rulebook between the UK and EU as put forward in the White Paper published 12 July.

We believe that any barrier to innovation in plant breeding at this time should be of great concern to the government. It increases yet further the gulf between fundamental science and commercialisation that the government's Agritech Strategy and Industrial Strategy aim to bridge. It reduces the potential for the research talent in this country to provide return on public investment and discourages the movement of world-leading scientists to UK institutes and universities. The costs associated with conducting field trials under GMO regulations are extremely restrictive to research institutes and also to small biotech companies.

Ensuring the efficacy of new varieties, for the benefit of public health and the environment, has always been a guiding principle for plant breeders and scientists. The existing legal framework already provides various degrees of scrutiny, risk management and control, sanctions and remedial action. Any additional level of scrutiny must be proportionate to the potential risk, rather than categorically restricting access to new technologies. Such action could profoundly delay or even deny altogether the potential benefits for health, productivity and the environment you and other Defra ministers so often cite. It may also jeopardise opportunities to provide possible solutions to tackle world hunger and crop adaption to climate change.

We ask you to confirm that Defra will continue to take a science-based approach to regulation. Specifically, we ask for clarification on how the UK government's support for innovation in plant breeding can be consistent with the common rulebook approach as we currently understand it. Both public and private sectors need to understand what realistic opportunities there now are for the UK to create fit-for-purpose, science-based and enabling regulation of plant biotechnologies.

We would welcome the opportunity to input our collective expertise and experience to recommend ways of implementing gene-editing technology for the benefit of UK consumers, farmers and exports. We suggest a round table format, as has been valuable in the past, would be the best way to take this forward.

Yours Sincerely



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Dr Tina Barsby
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Professor Achim Dobermann
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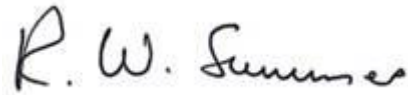
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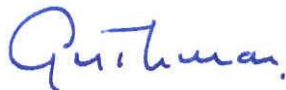


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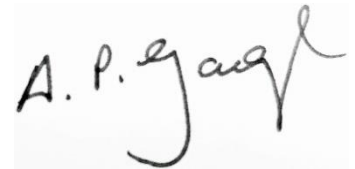
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