

Non-Coexistence and Cacophony in the French High Council of Biotechnologies

John Davison

Director of Research (retired) INRA Versailles
jrndavison@gmail.com

Introduction

The French High Council of Biotechnologies (HCB) recently published two recommendations as a result of its more than one year study of GMO coexistence. (<http://www.hautconseildesbiotechnologies.fr/>). One of these is by the Scientific Committee HCB (CS) and the other by the Socio-economic and Ethical Committee HCB (CEES). In order to understand this present analysis it is first necessary to understand the nature of these two HCB committees. The HCB (CS) is a scientific committee and its members are almost exclusively scientists (but also a sociologist, a jurist and two economists) who are required to sign a declaration of interest. In contrast, most members of the HCB (CEES) are present as stakeholders and thus are present because they do have conflicts of interest. Only three members of the HCB (CEES) have to sign a declaration of interest as designated experts. The large proportion of CEES members are openly anti-GMO; including France-Nature-Environnement, Peasant Confederation (la Confédération paysanne), Greenpeace, Friends of the Earth (Les Amis de la Terre), National Federation of Organic Agriculture (Fédération Nationale de l'Agriculture Biologique).

The HCB (CEES) is a peculiar French concept which revolves around the idea that, by making conflicting parties sit around a table and discuss their dissident views, a consensus will evolve and progress will be made. The HCB (CEES) recommendation and its subsequent consequences (see below) cast severe doubts on this idea.

It is further interesting to note that the membership of both councils are chosen by the competent authorities and by a final decision by the Prime Minister. The criteria by which the members are chosen are not available. This enables the government to manipulate the composition of both HCB committees; a fact that, in itself, destroys the concept of independent and impartial recommendations.

The recommendation of the HCB (CS)

I analyse the opinions of the HCB (CS) in a separate document in French (<http://www.marcel-kuntz-ogm.fr/article-coexistence-97227606.html>), and in English on this same web page, and they will only be summarised here. Briefly, the HCB (CS) opinions are, for the most part, scientifically correct and would find agreement among most international scientists working in the field of coexistence. In particular, the HCB (CS) states that coexistence with a threshold of 0.9% could be achieved with presently used technology, but that coexistence at the 0.1% level would be difficult or impossible.

However, there are serious departures from objective scientific procedures, particularly with the recommendation to change the way in which GMOs are measured and the recommendation to ignore measurement uncertainty. Almost all of the HCB (CS) committee, but with one single dissenting voice, agreed with this recommendation. The political (but not scientific) reason for this peculiar recommendation is to facilitate the coexistence of stacked genes, which will certainly arrive in the EU in the next few years. As I explained previously, rather than changing a EU generally accepted unit of measuring GMOs, the same objective could be achieved by simply raising the threshold required for labelling GMOs (for example

to 5%, as in Japan). Naturally this would involve changing EC legislation EC 1829 (2003), as has already been requested by several member states.

GMO Coexistence in France

The French competent authorities reacted very quickly after the publication of the HCB (CS) report by notifying the European Commission of an 'Arrêté' on GMO coexistence in France (http://www.lafranceagricole.fr/var/gfa/storage/fichiers-pdf/minagri_arrete_coexistence_janvier2012.pdf). Curiously this 'Arrêté' ignores completely the recommendations of the HCB (CS) and instates a 50 meter separation of GMO and non-GMO maize plantations with a 9 meter border row of non-GMO maize on the outside of the GMO plantation. These figures are not contained in the HCB (CS) recommendations. Similarly, no mention is made, in this 'Arrêté' of changing the units, used to measure GMOs, as advised by the HCB (CS). Indeed there is no evidence that the competent authorities even read the HCB (CS) recommendation. It would be interesting to examine the CVs of the civil servants in the Ministry of Agriculture and the Ministry of Ecology who consider themselves more expert than the HCB (CS). The EC now has a period of 3 months during which it may invalidate the French document, which otherwise will be considered compatible with EC law.

Multiple assertions by Bruno Le Maire, the Minister of Agriculture, and Nathalie Kosciusko-Morizet, the Minister of Ecology, show that the GMO moratorium will continue and that a new safeguard clause is in preparation. According to le Figaro, the new GMO moratorium will begin just before maize planting in March and the new safeguard clause will simultaneously be sent to the EC. An EC spokesman, Frédéric Vincent, was quoted as saying that 'if there really danger to human health and the environment, then it is difficult to imagine why the French authorities need to wait until the last moment'. Naturally, there are also political considerations involved in this choice of dates.

The recommendations of the HCB (CEES)

The recommendation of the HCB (CEES) has been analysed by Marie-Angèle Hermitte (<http://www.marcel-kuntz-ogm.fr/article-coexistence-97227606.html>) who has described some of the difficulties in presiding a working group of conflicting and irreconcilable viewpoints. In contrast to the recommendations of the HCB (CS), no coherent consensus viewpoint was obtained, as a result of the mutual antagonisms between the pro-GMO and the anti-GMO. Indeed no consensus viewpoint has ever been achieved by this committee see the statements by (HCB) CEES member Daniel Segonds (<http://ddata.over-blog.com/1/39/38/37/Temoignage-Daniel-SEGONDS-CEES.pdf>) and Marcel Kuntz (<http://www.marcel-kuntz-ogm.fr/article-hcb-haut-conseil-sur-les-biotechnologies-41053787.html>). Since the HCB (CEES) is largely anti-GMO many of the other members then decided that the HCB (CEES) was a futile exercise and gave their resignation. This included major stakeholders such as the National Federation of Farmers Unions (Fédération Nationale des Syndicats d'Exploitants Agricoles (FNSEA) and the National Association of Food Industries (l'Association Nationale des Industries Alimentaires (ANIA) who jointly wrote an open letter to Prime Minister François Fillon (<http://www.lafranceagricole.fr/cultures/actu-cultures/biotechnologies-ogm-la-fnsea-demissionne-du-haut-conseil-des-biotechnologies-53261.html>) stating that the recommendation of the HCB (CESS) is simply a juxtaposition of contradictory views that does not achieve the objective of advising the French public authorities. They further point out the impossibility of useful dialog between those who favour a balanced compromise and those who refuse even the concept of coexistence. The National Interprofessional Grouping of Seeds (Groupement National Interprofessionnel des Semences), the Young Farmers (Jeunes Agriculteurs) and the French Democratic Confederation of Labour (Confédération Française Démocratique du Travail) simultaneously resigned from the HCB (CEES) (<http://www.marcel-kuntz-ogm.fr/article-coexistence-97227606.html>). Very recently, in response to the letter from FNSEA and ANIA, M Fillon has asked for an evaluation report on the HCB (<http://www.actu-environnement.com/ae/news/hcb-evaluations-tensions-cfdt-ania-gnis-fnsea-14897.php4>). Curiously, the Prime Minister has requested the evaluation report from the President of the HCB, whereas an external evaluation might have been more useful.

GMO-Free labelling

On the 31st January 2012, the French government issued a decree for labelling of food and feed as GMO-free (sans-OGM) with a threshold of 0.1% as previously recommended by the HCB (CEES) (<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025241412&dateTexte=&categorieLien=id>).

Thus, from July 2012, the French customer will have the choice of eating food labelled 'without GMOs' (where "without" does not mean 'without' but very little; < 0.1%). The French customer may also eat unlabelled food which contains authorized GMOs at less than 0.9% (which is also very little). The French customer will not, however, be able to eat food labelled as containing GMOs, since the supermarket chains refuse to stock such food.

The French customer will also be able to eat meat that is unlabelled or meat that is labelled 'nourished without GMOs' (<0.9% or <0.1%). It should be noted that no chemical tests (such as quantitative PCR) are able to distinguish these two categories and that the legal difference depends upon easily falsified paper traceability.

Conclusion

Several conclusions may be drawn:

- 1) the French competent authorities have now drawn up conditions for GMO coexistence in France. This is curious, in view of the multiple assertions by Bruno Le Maire, the Minister of Agriculture, and Nathalie Kosciusko-Morizet, the Minister of Ecology, that the GMO moratorium will continue and that a new safeguard clause is in preparation. Thus France has no need of a law on coexistence since no GM plants will be cultivated in France. This seems a case of the right-hand not knowing what the left-hand is doing. However, it seems very likely that the EC will once again reject the new safeguard clause, but this will be done too late for the 2012 maize planting.
- 2) the French competent authorities have required the HCB (CS) to produce difficult and time consuming scientific recommendations that they subsequently totally ignored. Curiously, none of the HCB (CS) members have either commented or resigned.
- 3) the future of the HCB (CEES) is unclear. This group has never succeeded in achieving a consensus recommendation. However, if this committee continues to exist (which is logically unlikely), it may succeed in doing so in the future, since many important stakeholders have now resigned. The Prime Minister has very recently requested, from the President of the HCB, an evaluation of the HCB.
- 4) The French government has gone ahead with its ridiculous idea of a GMO-free label which can only lead to further confusion of the customers as to the safety of these products. (Germany also previously introduced the GMO-free labelling). It should be remembered that the objective of GMO labelling is to furnish the customer with information. Labelling does not pronounce upon the safety of products; which is the task of EFSA. For example, EFSA has repeatedly given its positive opinion as to the health and environmental safety of MON810 maize which the French government has repeatedly ignored.