

**TELEPHONE CALL, DR HANS HOOGVEEN, DIRECTOR GENERAL AT THE
NETHERLANDS MINISTRY OF AGRICULTURE**

BRUSSELS

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Steering Note

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1 Scene setter

Telephone conversation between Director General of DG SANCO and Mr H Hoogeveen, Director General at NL Ministry for Agriculture, to discuss matters of mutual interest.

2 Issues for discussion

2.1 Reversed strategy for phytosanitary import inspections under the new Plant Health law

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2.2 TRACES (Commission IT tool to handle control data and documents for veterinary checks) & the new IT system IMSOC

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2.3 Stake of play on sustainable food and food waste

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2.4 Renewal of EFSA's Management Board

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2.5 New breeding techniques

The definition of the term "genetically modified organism" (GMO) enshrined in Directive 2001/18/EC refers to both the property of the organism and the techniques used, and is quite complex.

In order to take account of scientific and technical developments since the adoption of the Directive in 2001, **the Commission set up a Member States' expert Group in 2007 to assess whether a number of new techniques fall within the scope of the GMO legislation, focussing primarily on plant breeding techniques.**

The group finalised its report in December 2011.

The Commission is engaged in a legal analysis to clarify the legal status of these new techniques under the GMO legislation (SANCO is drafting a note to the Legal Service on this). The outcome of such analysis will be communicated to Member States in a form which is not defined yet, in the first quarter of 2014.

EFSA adopted scientific opinions on some of the techniques (Cisgenesis, Intragenesis, Zinc-Finger nuclease) in February and October 2012. EFSA identified the specific risks involved, compared them to the risks of already existing GMOs, and **concluded that the current risk assessment guidelines can also be applied to these techniques.**

The Netherlands position

for which the Commission's legal interpretation will be crucial as it will determine whether some techniques will fall within or out of the scope of the GMO legislation. **Some companies have already announced that they will not apply for an authorisation if their product was to be considered as falling under the GMO legislation (considered as too cumbersome).**

On 13 December 2013, the NL Minister for Environment sent a letter to Commissioner Borg (attached, Annex II) urging the Commission to take a decision on the issue of new breeding techniques and calling to provide exemptions from the GMO legislation to new breeding that generates products with no more risks than traditionally bred crop plants such as cisgenesis according to EFSA's opinion.

Suggested line to take

- You understand that this is a pressing issue for businesses.
- You are aware of the concerns raised by the NL Environment Minister Ms *Mansveld* in a letter addressed to Commissioner Borg some days ago.
- **Commission services are actively seeking to clarify the regulatory status of the various new breeding techniques.**
- It is a highly complex technical task, requiring thorough analysis and consultations within the Commission Services. **It will be finalised in the first quarter of 2014.**
- **EFSA adopted in 2012 opinions on Cisgenesis, Intragenesis and Zinc-finger nuclease, which would apply in case these techniques would be considered as GMOs.**

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(ANNEXES BLANKED)