Will Standards for GMOs Change Under a Transatlantic Trade Pact?

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In the EU, the Transatlantic Trade and Investment Partnership is at the center of political discussions. Protests in Europe against the agreement have become even more intense lately. In the Netherlands, the voters demand a referendum, and French President François Hollande objects to the TTIP entirely. Also this month, Greenpeace leaked alleged official TTIP documents, fueling the debate.

While the United States intends to sign the agreement before the end of the year, Europeans are afraid that current health and safety standards could be harmed by the TTIP. Besides the import of hormone-treated beef and chlorine-washed chicken, EU citizens are concerned that standards for the import of U.S.-produced genetically modified organisms will decrease.

The European Commission and the U.S. government both promote TTIP, in order to achieve a number of goals. Mainly, TTIP is to establish the largest free trade zone worldwide and to function as a counterweight to the Chinese economy. As all free trade zones, it will lower or abolish customs duties and enhance exports. Moreover, it is to align EU and U.S. product regulations, so exporters on both sides have to comply with only one set of rules.

Concern in the EU that a trade agreement could mean laxer standards

At present, the standards for GMOs in the EU and the U.S. differ significantly. To date, in the EU, only the cultivation of GM maize code-named MON 810 is authorized (accounting for less than 1.5 percent of the total EU maize planting). Some 58 imported GM products — mainly crops — are authorized to be placed on the EU market for food and feed purposes. Especially for the livestock sector, the EU highly depends on third countries' production of grains. These countries often cultivate GMO crops. For instance, in 2013, the EU imported 15.9 percent of its soybeans from the United States, where 93 percent of soybean cultivation was GMOs. Thus, contrary to popular belief, the EU market is not entirely free of GM products.

Generally, the EU pursues a precautionary approach in its legislation. Regulations (EC) No. 1829/2003 and (EC) No. 503/2013 prescribe a premarket authorization by the European Food Safety Authority in collaboration with the EU Member States, with a specific assessment procedure for any GMO to be placed on the EU market and a post-market environmental monitoring procedure for any GMO that is already authorized. Until 2015, EU Member States could adopt safeguard clauses that allowed them provisionally to prohibit or restrict the use of a GMO if they had new evidence that the organism constituted a risk to human health or the environment or in the case of an emergency.

Directive (EU) 2015/412 gives Member States more flexibility to decide on the cultivation of GM crops. During an authorization procedure, they can ask the European Commission to change the geographic scope of the application to ensure that its territory will not be covered by the EU authorization. After the authorization, they can ask the Commission to prohibit or restrict the cultivation of the crop based on environmental or agricultural policy objectives or other compelling grounds, such as town and country planning, land use, socioeconomic impacts, coexistence, and public policy. Also, under EU law, all authorized GM products must be labelled.

While the EU pursues this fairly strict approach, U.S. regulation is generally favorable to the manufacturer. As the United States is the world's leading producer of GMOs, they play a significant role in its economy. Whereas under EU law, the authorization of GM products is an exception, in the United States, the Food and Drug Administration has stated that most foods derived from GM plants would be presumed to be "generally recognized as safe" unless the concerned product "differs significantly in structure, function, or composition from substances found currently in food." Also, GM products do not have to be labelled.

There is at present no way to know whether EU standards for GMOs will change under the TTIP. The negotiations are entirely in secret. In order to achieve one of the main TTIP goals — to align EU and U.S. product regulations — the EU will have to apply a more favorable, or the U.S. a stricter, approach to GMO regulation — or both.

The European Commission has stated that the EU basic law on GMOs is not up for negotiation. Greenpeace, based on the leaked alleged official TTIP negotiating documents, argues the opposite, suggesting that the United States is pressuring the Commission to lower GMO standards. There is simply no way at present to tell who is right.

In any event, given the current intensity of the political disagreement on both sides of the Atlantic on this and other product standard issues in the TTIP negotiations, it is unlikely that the EU and the United States will be able to conclude a TTIP agreement this year as expected.