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European Committee A

USE OF GENETICALLY MODIFIED FOOD AND FEED

Tuesday 17 November 2015

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The Committee consisted of the following Members:

Chair: MR CHRISTOPHER CHOPE

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| † Drax, Richard (<i>South Dorset</i>) (Con) | † Mathias, Dr Tania (<i>Twickenham</i>) (Con) |
| † Eustice, George (<i>Minister of State, Department for Environment, Food and Rural Affairs</i>) | † Newton, Sarah (<i>Truro and Falmouth</i>) (Con) |
| Fitzpatrick, Jim (<i>Poplar and Limehouse</i>) (Lab) | † Offord, Dr Matthew (<i>Hendon</i>) (Con) |
| Godsiff, Mr Roger (<i>Birmingham, Hall Green</i>) (Lab) | † Scully, Paul (<i>Sutton and Cheam</i>) (Con) |
| † Hoey, Kate (<i>Vauxhall</i>) (Lab) | † Smith, Nick (<i>Blaenau Gwent</i>) (Lab) |
| † Kerr, Calum (<i>Berwickshire, Roxburgh and Selkirk</i>) (SNP) | † Sunak, Rishi (<i>Richmond (Yorks)</i>) (Con) |
| † Lynch, Holly (<i>Halifax</i>) (Lab) | Fergus Reid, Katy Stout, <i>Committee Clerks</i> |
| | † attended the Committee |

European Committee A

Tuesday 17 November 2015

[MR CHRISTOPHER CHOPE *in the Chair*]

Use of Genetically Modified Food and Feed

2.30 pm

The Chair: Before we start, may I briefly say how we operate in this Committee, for those who have not been here before? There is a brief statement of about five minutes from a member of the European Scrutiny Committee, followed by a short statement of about 10 minutes from the Minister. Then there will be between 50 and 60 minutes for questions, and then we can have a debate for 60 to 80 minutes, as long as we do not extend beyond two and a half hours for the whole of proceedings.

Does a member of the European Scrutiny Committee wish to make a statement?

Kate Hoey (Vauxhall) (Lab): It is nice to serve under your chairmanship, Mr Choep. It might be helpful to the Committee if I took a few minutes—I do not think it will take five—to explain the background to the documents and the reason why the European Scrutiny Committee recommended them for debate here.

Committee members will be aware that the growing use of genetically modified crops is a politically sensitive issue here in the UK. It is even more so in a significant number of other EU member states, many of which are implacably opposed to any use of GM. As a result, the Commission's proposals to authorise the cultivation and use of GM produce within the EU have inevitably been turned down, despite the scientific backing—although that of course is disputed as well—of the European Food Safety Authority. As a result, it was proposed in 2010 that member states should have discretion to restrict or prohibit the cultivation of GM products on grounds other than health and the environment. After considerable discussion, a directive to that effect was eventually agreed in 2015.

Despite a number of misgivings, the directive was supported by the United Kingdom, even though it meant that there would no longer be strict regard to scientific assessment, which was previously regarded as essential. As the directive applied only to cultivation, however, the Commission proposed in the spring the communication Document 8344/15, which reviewed the basis for authorising the use of GM crops in food and feed. It was accompanied by a draft regulation, Document 8356/15, which would enable member states to restrict or prohibit the use of authorised GM food and feed, subject to certain conditions similar to those that now apply to its cultivation.

Although the Government have welcomed in principle giving member states more national discretion, they have some significant concerns, including the implications for the single market, the departure from science-based decisions and the precedent that will set elsewhere and the potential impact on trade in GM products. There are also concerns that the proposal could reduce imports of GM feed from third countries, with a detrimental

impact on the UK livestock sector, which is heavily dependent on them. However, again, there are many other views on that issue.

Given all those concerns and the inherent interest in issues relating to GM crops, the European Scrutiny Committee felt that these matters should be debated in this Committee. I therefore welcome this debate.

The Chair: I call George Eustice.

2.33 pm

The Minister of State, Department for Environment, Food and Rural Affairs (George Eustice): I am grateful to the European Scrutiny Committee for recommending a debate on this EU proposal. It raises some important issues, so it is appropriate that we consider the matter in some detail.

As the hon. Member for Vauxhall (Kate Hoey) pointed out, the proposal would give member states a new discretionary power to ban the use of EU-approved GM food and feed products in their own territory for non-safety reasons. The Commission argues that the power is necessary to address the fact that some member states abstain or vote against EU approval for the marketing of GM products, despite the scientific evidence indicating that there are no valid safety concerns. That means the outcome of the EU voting process is always inconclusive, leaving the Commission to grant EU authorisation without a clear mandate from member states.

The Commission regards that as unsatisfactory, although it is the basis on which the EU has already approved the import and use of more than 60 different types of GM crop. Ordinarily, the Government would welcome any EU proposal to give member states more scope for national decision making. However, this proposal raises a number of serious concerns.

First, the proposal would undermine the single market by allowing national bans on products that have met the agreed standard for import and free movement across all member states. The single market is, of course, a core principle of the EU that the Government support. Secondly, it would undermine science-based regulation by allowing national bans for more subjective reasons than an evidence-based risk assessment. By seeming to legitimise the idea of product bans for non-safety reasons, it could set an unwelcome precedent for third countries to block EU exports on dubious, non-scientific grounds.

Furthermore, it is doubtful that a GM product ban would comply with World Trade Organisation rules or EU legal principles. As such, it is questionable whether, or to what extent, the national discretion on offer is actually meaningful. The UK livestock sector is dependent on imports of GM feed and uses upwards of 3 million tonnes a year. If a number of other member states were to ban the use of GM products, it could not be ruled out that the ban might have a negative knock-on effect on the availability and cost of supplies to the UK. In that respect, it is noteworthy that the Commission did not provide an impact assessment for its proposal, which does not accord with better regulation principles.

Taking all those points into account, the Government's view, on balance, is that the proposal is misconceived, so we do not support it. The proposal was discussed at the July meeting of the Agriculture and Fisheries Council,

at which I represented the UK. A clear majority of member states expressed serious reservations about the proposal's implications, noting concerns similar to those I have outlined today. The Council made it clear that the Commission should produce an impact assessment, and the legal service has been asked to provide an opinion on the legal implications. Both those documents are still awaited.

The proposal is subject to co-decision with the European Parliament, which last month voted by a large majority to reject the proposal outright. The concerns raised in the European Parliament were similar to those already voiced in the Council. Given the apparent lack of support from both the Council and the European Parliament, it must be considered very unlikely that the proposal will be adopted. The Government's position is that the Commission should operate the existing EU rules as written so that safe GM products have fair and timely access to the single market.

The Chair: We will now move on to questions.

Nick Smith (Blaenau Gwent) (Lab): It is a pleasure to serve under your chairmanship, Mr Chope. I thank the Minister for his introduction. I particularly liked his emphasis on science-based decision making, and I look forward to hearing more on the proposed impact assessment. He says that the documents are still awaited. I have two sets of questions, and I will go through them as quickly as possible.

The Chair: If you have lots of questions, I suggest that you make it easier for the Minister by asking them separately, rather than all together. Ask a couple of questions, and then the Minister can respond. You can then ask another one.

Nick Smith: Thank you, Mr Chope. When the Food Standards Agency gathered information before the vote on 28 October, it asked for evidence on a variety of topics related to GMOs in food and feed. The deadline for responses was 28 October. I appreciate that the Minister may not have a full report from the FSA on that exercise but, either from the FSA data or from general stakeholder feedback, have any specific industry sectors raised concerns that he wants to highlight? I recently met representatives of the pig farming sector, and they are worried about increased costs should there be a move away from GMO feed.

George Eustice: The hon. Gentleman is right that industry has raised concerns about the potential impact on costs, which is difficult to assess, because if some countries do not use GM feed, of course, it could be argued that the laws of supply and demand mean that there will be more supply for those who want to use such feed, which might mean that prices go down. The concern tends to be based on the supply chain. Most of the soya that we import is GM and comes from south American countries, which tend to have a supply chain in the European Union. Industry is concerned that supplies might be disrupted, affecting prices and cost structures in the supply chain.

Nick Smith: I understand the Minister's emphasis on the different supply chain for GMO food. Does he have any information on the difference in prices between GMO and other types of animal feed?

George Eustice: I do not have those prices to hand but, by and large, GM feed is cheaper than non-GM feed. From memory—I may have to correct the record—some projections suggested that a feed cost could go up by around 20% to 30% for some sectors of the livestock industry if GM feed was not available to them. That is why the industry is concerned that the viability of the livestock sector could be affected.

Nick Smith: Did anything jump out with regard to additional costs of the benefits, for example on transport or labelling, resulting from the European Commissioner's proposals for the UK?

George Eustice: As I said, there was a wider concern about disruption to the single market. We thought about this long and hard because I am a Minister in a Government who believe strongly that, where possible, we should have discretion for national Governments to have derogations. However, we took a different view from the one we took on the cultivation directive, for example, as the hon. Member for Vauxhall explained, because this directive goes directly to the heart of the functioning of the single market. We felt that was different and that it was important to protect the integrity of the single market by not allowing this particular type of derogation.

Nick Smith: I appreciate the Minister's emphasis on the single market. Were there any other risks or uncertainties that need to be flagged up and emphasised to the Committee?

George Eustice: Our general concern is also about departing from a science-based approach to these authorisations. We have had a great deal of difficulty when it comes to the cultivation of GM crops. Even once they have passed rigorous safety assessments, politics gets in the way and it has been difficult to get proofs. For 20 years GM feed has been authorised successfully, even though there has been an absence of political consensus. In the final analysis, the Commission tends to come in and grant authorisation if it is safe to do so on the basis of the science. If we were to allow this type of derogation to come in, we would be saying: first, that we were undermining the integrity of the single market; and secondly, that we were departing from a science-based approach to these issues.

Nick Smith: Does the Minister accept that, given the FSA's consultation on this, the Government should have set an earlier deadline for their fact-finding exercise so that the data would have been available before the vote on 28 October?

George Eustice: I will try to find out a bit more about the FSA report. Our objections were based on the threat to the integrity of the single market and the departure from an evidence-based approach.

In authorising GM food and GM feed, the process is as follows. A supplier first approaches an individual member state and asks it to sponsor and assess their application. It is then passed to EFSA, which does very rigorous tests at the European level to check the products' safety. If EFSA recommends that they are safe, the application goes to a technical committee linked to the Council, where member states have a chance to vote. If there is no qualified majority one way or another at that

[George Eustice]

point, the Commission makes a final decision and is then in a position to support EFSA's assessment. I make that point because it is EFSA that leads on these matters, rather than the FSA in this country.

Nick Smith: The Minister has talked about the high percentage of the total of such animal feed used in this country—I understand that it is about 70%. Will he talk a little about the extent to which substitutes might be available?

George Eustice: There has been a general move to use more domestically produced feed where possible in order to try to reduce the carbon footprint of agriculture. Sectors such as the pig sector have made progress in reducing their carbon emissions, partly by reducing the amount of imported soya and trying to source proteins domestically.

It is too early to tell whether the change in the common agricultural policy to require the so-called three-crop rule and environmental focus areas will lead to an increase in the cultivation of leguminous vegetables, such as broad beans, which could be used as an alternative source of protein. The reality is that around 70% of all animal feed protein comes from imported soya. That will remain an important part of our animal feed for the foreseeable future.

Nick Smith: The Minister talked in his introduction about asking the Commission for an impact assessment of its proposal and said it was still awaited. What are the Government doing to hurry that along and get that impact assessment as soon as possible, given that it was not available for the vote taken just a few weeks ago?

George Eustice: That ball is very much in the court of the European Commission. One of the difficulties is that it has not prepared an impact assessment for a number of reasons. We think, as I explained in my opening remarks, that this offer could be quite difficult to enforce legally. It can be theoretically offered, but our concern is that once anybody tried to implement it they would fall foul either of the single market regulations themselves or, indeed, WTO regulations. The difficulty of trying to put a price on that risk is one reason the Commission has found it difficult to come up with an impact assessment. We have asked two things; first, that it come up with that impact assessment and, secondly, that it get an opinion from legal services on the legality of what is proposed in the context of the WTO and international law.

Nick Smith: Finally, given the result of the vote on 28 October, what additional consideration are the Government giving regarding labelling of GMO in the UK and giving further information to consumers?

George Eustice: There is very little market for GM food—that is, food for human consumption. There are examples of, for instance, rapeseed oil that has come from GMO oilseed rape being marketed in the UK, but that is about all. There is no huge consumer demand for GM food, but in terms of labelling, it is very clear in the GM regulations we have had that any foodstuff containing GM must be labelled as such—that is already covered by existing legislation.

Kate Hoey: The Minister said that the Government are very keen, wherever possible, to give member states control and power over as many decisions as possible and not allow the EU bureaucracy to take over. He then cited the single market as the reason this suggestion is not possible. Is it not likely that the single market may be stretched to include almost anything? The reality is that talk about giving more control back to our country or this Parliament is just waffle.

George Eustice: The hon. Lady and I shared a position fighting the euro 10 or 15 years ago, when we demonstrated that it is possible to stay in the single market and stay in the European Union, but keep your own currency. There is a difference—this is why we have accepted the approach on the cultivation directive. In my view, it is right to allow a national derogation for those countries that have been nervous about GM and do not want it grown in their own environment; we should allow them a derogation while enabling those countries that do want the benefits of using GM to do so.

There is a difference between the cultivation directive, which is about the crops people grow in their own national environment, and this, which is around the free movement of goods through the European Union and has no impact on the European Union environment in any member state; it is about free movement of trade. There is a precedent here in that we have imported GM animal feed for some 20 years, so this is directly linked to the functioning of the single market, whereas I draw a big distinction between this and the cultivation directive. Some people might argue that that is also part of the single market, but we have said, on balance, that we think we should allow national derogation here because it enables us to make progress.

Kate Hoey: I have another question about the obsession that scientists always get it right. Does the Minister accept that scientists can be wrong too, and that the fact that something has been “scientifically” proved to be whatever people want to say it has been proved to be should not always be the criterion? That is why so many of the public in EU countries, in Europe generally and in the world have real concerns about GMO.

George Eustice: The hon. Lady makes a good point, but I think we should follow the best science we have. Ministers are always told we should have an evidence-based approach to things and follow the science. Quite often when we ask what the science is, the answer is that there is a disagreement over it or there are evidence gaps. The approach that EFSA takes is very rigorous. It runs field trials and looks at the potential impact on the environment. All those issues are taken into account. We should also bear in mind that many of these GM crops have been grown in some south American countries and in the US now for more than 20 years, so there is quite an established track record in how to use those crops safely.

The Chair: If there are no more questions, I will ask the Minister to move the motion.

2.50 pm

George Eustice: I beg to move,

That the Committee takes note of European Union Documents No. 8344/15 and Addendum, a Commission Communication: Reviewing the decision-making process on genetically modified

organisms (GMOs), and No. 8356/15, a Proposal for a Regulation amending Regulation (EC) No. 1829/2003 as regards the possibility for Member States to restrict or prohibit the use of genetically modified food and feed on their territory; and endorses the Government's approach not to support the proposal because of its negative implications for international trade, the single market and science based regulation. [3rd Report of Session 2015-16, HC 342-iii].

We have had a valuable debate on the proposal. I hope that I have been able to explain to the Committee the distinction we make between the approach taken on the national derogation allowed on the cultivation directive and that taken on the GM feed directive. As I indicated in my opening remarks, I do not anticipate that this particular proposal will make much headway, given that the European Parliament and the European Council have opposed it.

Finally, I make the point that this proposal being put forward partly reflects a frustration on the part of the European Commission. Commissioner Andriukaitis has been very clear that he is rather tired of other member states hiding behind him and blaming the Commission for the fact that these crops are allowed to be sold in the European Union, when their industries are incredibly dependent on them. In part, the Commission is trying to flush out member states, to get them to take responsibility for the fact that all their industries are heavily dependent on imported GM crops.

We have had an interesting discussion and I hope that the Committee will endorse the motion.

2.51 pm

Nick Smith: We will not be dividing the Committee on this matter. May I thank the European Scrutiny Committee for initiating the debate? The debate is important, given the decisions made in the European Parliament on GMOs in recent weeks. It has been helpful to explore these issues in more detail.

There is a big interest in food safety and security outside here, from popular programming such as "The Great British Bake Off" to Radio 4's "Food Programme". Food provenance and quality are rightly of great interest. British consumers and farming and food producers will be interested in these matters. Labour has in the past welcomed the principle of giving member states more national discretion in relation to GMOs, namely over crop cultivation, but we are troubled in a number of ways by the proposal that was recently put to the European Parliament.

We do not want to risk undermining the central position of the European Food Safety Authority as an independent scientific body, whose work should not become politicised. Labour backs a science-based approach to GMOs. We stand by the case-by-case scientific risk assessment carried out by EFSA and guided by the precautionary principle. That assessment must include a broad range of factors relevant from the point of view of human, animal and plant health, as well as any possible impacts that any GMO trait could have on the environment.

It must also be acknowledged that the UK livestock sector is heavily dependent on GM feed. I understand that it comprises up to 70% of the total UK animal protein feed, so despite the Commission proposals not receiving support, we want to see, as soon as possible, the publication of the recent FSA consultation on the Commission proposals so we can better understand the

most up to date analysis of GM use by both food and farm producers. We also need to hear the views of consumer groups that might have responded and have concerns about GMOs.

Finally, labelling and transparency are vital. There can be no discussion about any GMO presence on the EU market without ensuring that consumers are comprehensively informed as to what their food products contain or are made of. Labour supports far-reaching country of origin labelling of food products, GM and GM-free labelling as well as full traceability of foodstuffs. When considering the labelling of GMOs that are on the shelves of supermarkets, we should let consumers decide for themselves what they wish to put in their pantries.

2.54 pm

Kate Hoey: At the risk of upsetting lots of people, which I am used to, I very much want to signal my opposition to the Government's approach on this. They are giving much too wide a scope. I do not agree that the negative implications of what is proposed outweigh the positive things that have happened in terms of what the EU is saying on this, and the EU Parliaments. I speak as someone who is very sceptical of the EU, but I think that in this case it has got it right.

2.55 pm

George Eustice: I should point out that even those countries that are sceptical about the use of GM and might on the face of it be interested in taking up such a derogation voted against the proposal because, they argued, it did not provide them with anything like the legal certainty and clarity necessary to be able to exercise that right. On one side of the debate are countries such as the UK, which believe that the proposal is wrong, would affect the functioning of the single market and be a departure from a science-based approach. On the other side, even those countries that do not want to cultivate GM crops and are strongly opposed also oppose the proposal because they do not believe that it gives them that legal certainty. Indeed, that is why Friends of the Earth and Greenpeace have also opposed the proposal: they do not think it has sufficient clarity to achieve even what it claims to be setting out to achieve. I hope that the hon. Lady might reconsider her position, but if we have to divide the Committee, so be it.

I want to pick up the shadow Minister's point about the FSA. The FSA published a letter on its website to gather UK stakeholder views, and the deadline for responses was 28 October, as he pointed out. It has received representations from a number of farming organisations, biotechnology sectors and environmental NGOs, and they largely confirm the points that I highlighted in my opening remarks and during the debate.

The availability of non-GM alternatives is limited, particularly when it comes to soya. There is a significant premium on non-GM soya, which costs £100 to £130 more per tonne, and if we needed to switch to non-GM soya, that could affect our food production costs. It was also pointed out in the responses that there would be a need further to segregate GM and non-GM products and that that could incur increased costs and effort when it came to animal feed. We have had a number of responses.

[George Eustice]

The shadow Minister will appreciate that, because we had a vote in the European Council, the Government had to take a position, and we took that position largely based on what we perceived to be the impact on the integrity of the single market, but from a food safety point of view we have always been reassured that the rigorous approach that we have with EFSA carrying out those assessments is sufficient.

Kate Hoey: I have not been persuaded by the Minister, but I accept that little is going to happen in the next while, and of course we will have a referendum in the next two years anyway.

Question put and agreed to.

2.58 pm

Committee rose.