

Socio-economic considerations in GMO decision making in France

Nicolas ENCAUSSE

Ministry for Ecology,
Sustainable Development and
Energy

April 17, 2015



Crédit photo : Arnaud Bouissou/MEDDE

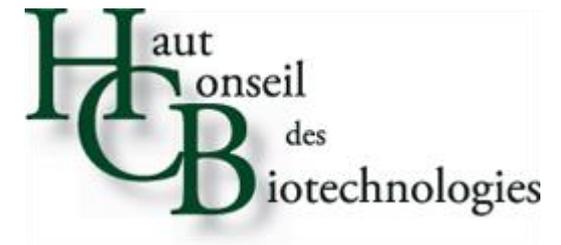
Ministère de l'Écologie, du Développement durable et de l'Énergie

www.developpement-durable.gouv.fr

Socio-economic considerations in current french legislation

- In 2007, the « *Grenelle de l'environnement* » concluded on the need to assess the **social interest** of GMOs along with their environmental and health related potential risks.
- « *LOI n° 2008-595 du 25 juin 2008 relative aux organismes génétiquement modifiés* »:
 - Creation of the High council for biotechnology (HCB) with an economical, ethical and social committee (CEES)
 - Recommendations of the CEES requested **for every deliberate release** of GMOs
 - Opinions of the HCB must evaluate risks, benefits and express diverging views among experts

The High Council for Biotechnologies



- HCB was firstly nominated for 5 years on may 30, 2009. It was renewed for its second mandate on december 30, 2014.
- The CEES is a body of analysis and social debate that gathers 33 representatives from the civil society:
 - NGOs for environmental protection,
 - farmers and workers unions,
 - consumers associations,
 - elected representatives.
- Also qualified specialists in legal, economical and social sciences. For the second mandate their number has been doubled to 6.

Challenges faced regarding the use of SEC

- Evaluation:

- New field of interest: no established methodology, lack of data
- Notifications and authorisation dossiers only address environmental and health related risks
- Debating and reaching consensus is difficult among stakeholders with different interests

➔ CEES established assessment grids gathering questions to be addressed during the evaluation

- Legal level:

- French legislation allows to take SEC into considerations in decision making
- However, limited impact on decisions taken at european level

➔ New directive 2015/14/UE gives more room to make SEC counts

How to approach the implementation of directive 2015/412/UE in France

- The directive offers an optional tool that needs to be transposed to be implemented at national level
- Work is currently ongoing to define a draft national law, so elements foreseen may evolve in the future depending on ministerial validations and decision of the Parlement.
- Phase I: National request to be excluded from the scope of an authorisation
 - Important part of the process, not to be overlooked
 - Considered legally sound as it requires the approval (which can be tacit) of the notifiers.
 - If phase I works, no need to adopt national measures

How to approach the implementation of directive 2015/412/UE in France

- Phase II: Adopting national measures of restriction or interdiction
 - **Who?: national decisions, no regionalized process**
 - In France regions don't have competences regarding, management, control or banning of GMOs
 - **Which grounds?: those established by article 26 ter paragraph 3**
 - Broad enough to ensure flexibility and specific enough to give legal security
 - Legitimacy backed up by opinions of the Commission and the Council legal services.
 - Important to maintain an open list for the sake of flexibility and to adapt to further development in socio-economic evaluation for example
 - Regarding implementation HCB might be asked to elaborate on those grounds (définitions, relevance for the national territory, additional grounds...)

The End

