Advocate General of the European Court of Justice does not request a more detailed investigation of risks of genetically engineered soybeans

Court will make its final decision in the coming months

17 October 2018 / Today, the Advocate General of the European Court of Justice published his findings on a legal case filed by Testbiotech together with the European Network of Scientists for Social and Environmental Responsibility (ENSSER) and the environmental organisation Sambucus (C-82/17 P). The organisations are concerned about the risks connected with genetically engineered soybeans produced by Monsanto and sold under the brand name “Intacta”. According to the opinion of the Advocate General of the European Court of Justice, it is not necessary to investigate the risks of the genetically engineered soybeans in more detail. The court will make its final decision in the coming months.

The plants inherit a specific combination of two genetically engineered traits: they express a so-called insecticidal Bt toxin and are resistant to glyphosate-based herbicides. These soybean plants are the first with a combination of such traits.

The court action against the EU Commission was started in 2013. Monsanto, the European Food Safety Authority (EFSA) and the UK government are all jointly supporting the EU Commission. Testbiotech is concerned that the health risks from the soybeans were not sufficiently investigated. It is the combinatorial effects of the residues from spraying the crops with glyphosate and the insecticidal proteins produced in the plants that are at issue here. In addition, there are indications that these soybeans pose risks to the immune system. The court rejected in the first instance any demands that the soybeans should have been re-tested in more detail (T-177/13). At this latest hearing, the court will decide on the burden of proof i.e. who has to show that the genetically engineered plants are safe or unsafe. The final ruling might effectively become a precedent.

Testbiotech won another court case in March 2018: the General Court of the EU decided that legal challenges on import authorisations were generally admissible (T-33/16). In the meantime, this ruling has finally passed into law because the EU Commission did not file an appeal against it.

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Further information: Findings of the Advocate General [2]
Background regarding the 'Intacta' case [3]
Scientific publication on 'Intacta' [4]
Background regarding case T-33/16 (General Court of the EU) [5]

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