

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY  
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT  
POLICY

Voluntary  Public

**Date:** 6/5/2015

**GAIN Report Number:** GM15024

## Germany

**Post:** Berlin

### **Objection against CIBUS rapeseed rejected**

**Report Categories:**

Agricultural Situation

Biotechnology - GE Plants and Animals

Biotechnology and Other New Production  
Technologies

**Approved By:**

Kelly Stange

**Prepared By:**

Leif Erik Rehder

**Report Highlights:**

The Federal Office of Consumer Protection and Food Safety (BVL) have rejected the objection against its decision to not classify an herbicide-resistant rapeseed as GE. BVL's decision in February 2015 had triggered a public debate about the future regulation of new plant breeding techniques.

**General Information:**

The Federal Office of Consumer Protection and Food Safety (BVL) have rejected the objection against its decision on the classification of an herbicide-resistant rapeseed of the CIBUS Company on June 3, 2015. The BVL had already decided that the CIBUS rapeseed are not classified as genetically engineered (GE) organisms within the meaning of the Genetic Engineering Act on February 5, 2015. Field trials in Germany with these plants could therefore be carried out without an approval required for experiments with GE organisms. BVL's decision had the condition, that it could be reversed, if the European Commission should come to a different result.

Against this decision several associations and companies had entered an objection on March 5, 2015. They argued that artificial DNA sequences were inserted into the genome of oilseed rape plants. There they will activate the natural repair mechanism of the plant to produce certain changes - in this case, a resistance to chemical pesticides. The rapeseed should therefore be covered by the Genetic Engineering Act. Therefore, those associations called for a repeal of the BVL's decision.

In its public response, the BVL came to the conclusion that the appeal is inadmissible and unfounded. And the authority for objection is not present and hasn't been substantively demonstrated. The "Gene Repair Oligonucleotides" (GRONs), which are temporarily inserted during the Rapid Trait Development System (RTDS) process in plant cells, are neither new combinations of genetic material nor genetic. GRONs are neither permanently nor temporarily integrated into the genome. After the GRONs have deployed their mutagenic effects, they are biodegraded within a few hours.

According to BVL, the method used is an advanced breeding technique that does not lead to GE organisms. The application of GRONs to plant cells is rather a process of mutagenesis, which affects site-specific point mutations in the plant genome. Mutagenesis is defined as the change of the genetic material due to external influences, for example by radiation or chemicals. The use of GRONs shows the same mode of action as a chemical mutagen, by passing from the outside into the nucleus, leading to a point mutation and is subsequently biodegraded by cellular systems. Point mutations by GRONs are indistinguishable from those caused by mutagenesis using chemicals or radiation or mutations at random under natural conditions. Therefore, RTDS process falls under the concept of mutagenesis. Therefore RTDS is not a process of alteration of genetic material within the meaning of the definition of GE organisms covered by the Genetic Engineering Act.

BVL's decision to not regulate CIBUS rapeseed as GE in February 2015 has triggered a public discussion about the regulation of new plant breeding techniques and all herbicide resistant crops. The objection has been one sign that some associations and companies want to regulate new breeding technologies the same as GE organisms. But, Germany is home to world-class developers of crops. Due to the hostile environment for modern plant breeding technologies Bayer CropScience, BASF, and KWS, as the big three German plant breeding companies, have already moved their GE research to the U.S. But, there are over hundred mainly small and medium sized plant breeding companies in Germany. And, just a few companies have the possibility to move their research abroad. Regulation of new plant breeding techniques like GE could therefore mean that it becomes impossible for the vast majority of plant breeders in Germany to use modern plant breeding technologies.

