

GMOs and GENE EDITING

Issue:

- Earlier this year England consulted on removing gene editing (GE) from the definition of genetically modified organisms (GMOs) with the response due shortly.
- At the end of April the EU concluded a study on the previous EU decision to include GE in the GMO definition, recommending a change in this approach.
- Scotland will now come under pressure to make a decision.

TOP LINES

- Scotland is committed to remaining free of GM cultivation, but we recognise advances in techniques are bringing into question the definition of a GMO and we are following developments in this area with interest.

Background

- Gene editing is one of many 'novel genomic techniques' (NGTs) developed since the main Genetically Modified Organisms (GMO) legislation was made in 2001. NGTs were ruled to be in scope of the legislation by the European Court of Justice (ECJ) in 2018, effectively preventing their use outside of a laboratory. This was seen as a controversial ruling by many since gene editing is a different, more precise technique than GM and can bring about changes which could have occurred naturally.
- The EU have recently published a study concluding that the GMO legislation (which Scotland has transposed) is not fit for purpose with regard to novel genomic techniques. The study was discussed at the May AgriFish Council, where Member States were nearly unanimous in agreeing the legislation needed updating. The Commission are now preparing a consultation and impact assessment on reviewing the legislation for targeted mutagenesis and cisgenesis in plants – essentially techniques where no foreign DNA is used.
- Defra have also consulted on removing gene editing from the definition of GMOs in England when it produces changes that could have been introduced by traditional breeding. Defra have not yet responded to the consultation, but are expected to write to Scottish Ministers on the matter before their recess begins.
- Scotland has previously been opposed to the use of GMOs in the environment, to protect Scotland's clean, green brand and to remain aligned with the EU. The change in direction from the EU, together with developments in genetic technologies and the increased need to meet environmental challenges, means that it may be appropriate to review the evidence in this area.

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