



## OPEN LETTER TO COMMISSION PRESIDENT JUNCKER

cc. First Vice-President Frans Timmermans  
Commissioner Vytenis Andriukaitis

13 February 2017

### Improved EU decision-making in the area of health and consumer protection

Dear Commission President,

We are writing to propose ways to improve the EU decision-making process in the area of health and consumer protection, including on agricultural products such as pesticides and genetically modified organisms (GMOs).

EU decisions on whether to allow such products can be highly controversial, as the recent debate on Europe's most widely used weedkiller, glyphosate, has shown. The lack of trust in scientific evaluations by the European Food Safety Authority (EFSA) is but one reason for this. There are also doubts about the benefits of these products, and their cumulative impacts on public health and the environment are of particular concern. Rightly, the procedures for EU decision-making have also come under scrutiny.

Under current rules<sup>1</sup>, the Commission can approve pesticides, biocides, GMOs and other regulated food and agricultural products without the support of a qualified majority of EU member states, and has done so frequently. In fact, it has taken every single decision to approve GM crops in this way, as well as approving, for example, the use of lactic acid to decontaminate beef carcasses. Currently, the decision-making process is the same in cases where a potentially harmful product or process is to be approved or re-approved, and in cases where it is to be restricted or banned.

Potentially controversial proposals are not published until the Commission takes the final decision. The votes are held in secret, and no information is provided about who represented the member states and how individual countries voted.

This situation is untenable. It compromises the EU's democratic credentials, and undermines the protection of public health and the environment.

It has been argued that the EFSA assessment is a sufficient basis for EU decisions in the area of health and consumer protection. However, decision-makers need to consider questions that go beyond the safety of the individual product or process concerned. Who benefits? Who will be harmed by potential negative effects? Will the proposed benefits actually materialise? Will they cause harm in the longer term, i.e. weeds becoming resistant to a weedkiller, or pests becoming resistant to a toxin produced by a genetically modified crop? Are there better alternatives that achieve the same objective? Are there cumulative impacts?

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<sup>1</sup> Articles 5 and 6 of Regulation 182/2011

In fact, EU legislation requires that the European Commission and EU member states “shall take into account the results of risk assessment (...), other factors legitimate to the matter under consideration and the precautionary principle”.<sup>2</sup>

In these circumstances, it is right to be cautious. While the agro-food industry is making significant profits, it heavily contributes to health and environmental degradation. Meanwhile, thousands of agro-ecological and organic farmers and food producers are showing that sustainable alternatives work.

In line with the precautionary principle, the EU should allow the use of potentially hazardous products and food preparation processes only when it is confident that this will not harm people or the environment. It should take different approaches to decisions in favour of such products and processes and those against, for the reasons explained below:

- A decision to approve a product or process falling under the EU’s general food law regulation<sup>3</sup> should always require the support of a qualified majority of EU countries. Only if at least 55 per cent of member states representing at least 65 per cent of the EU population are convinced that a product or process does not pose any unacceptable risks, and does not undermine any of the EU’s wider policy objectives, should the Commission be able to approve it. This rule already applies to EU decisions on “*definitive multilateral safeguard measures*”.<sup>4</sup>
- By contrast, a decision not to approve or to restrict the uses of a product or process, which aims to protect public health and the environment, may be taken if the support of a qualified majority of EU countries cannot be achieved. The existing rules are appropriate here.

It goes without saying that all decisions must be taken in a more transparent manner, both in terms of procedure and results. The EU’s Standing Committee on Biocidal Products<sup>5</sup> already applies higher standards in this regard.

You have promised to enhance democratic control of EU decisions in sensitive sectors. We ask you to consider our proposals so as to make the EU work better for people and the environment, rather than corporations and private interests.

Yours sincerely,



Jorgo Riss, Director, Greenpeace European Unit

Also on behalf of:

Magda Stoczkiewicz, Director, Friends of the Earth Europe

Génon K. Jensen, Executive Director, Health & Environment Alliance (HEAL)

Eduardo Cuoco, Director of IFOAM EU

François Veillerette, President, Pesticide Action Network Europe

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<sup>2</sup> Article 6(3) of Regulation 178/2002

<sup>3</sup> Regulation 178/2002

<sup>4</sup> Article 6(4) of Regulation 182/2011

<sup>5</sup> Article 82 of Regulation 528/2012