



Highest courts in France and EU confirm France's ban on GM crops is illegal

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Today, France's highest court, the Conseil d'Etat, has confirmed that the European Court of Justice's judgment that the 2008 French ban on the cultivation of genetically modified crops (GM) is illegal. Both courts overturned the national ban declaring that the French Government presented no scientific evidence of any risk to health or the environment from these crops.

Carel du Marchie Sarvaas, EuropaBio's Director of Green Biotechnology Europe, commented, "These judgments from the highest European court and the highest French court send one message loud and clear: bans of GM crops cannot be based on political dogma. As both judgments state, no ban on planting GM crops can be declared without valid scientific evidence, something that France and other European countries have not produced."

A ban on agricultural innovation is not without cost, such as yield loss due to pests and a block on investment in public and private sector agricultural Research & Development. "Farmers in France were growing over 20,000 hectares of GM maize in 2007, the third year of commercial cultivation of this crop before this illegal ban. Four years later, the real loss caused by this ban is French farmers' ability to control pests that affect both the yield and quality of their maize. France's leaders must now decide whether they want to regain their position as a leader of agricultural innovation, tackle future global challenges and create jobs and investment in agriculture, or support an anti-science agenda that weakens Europe's competitiveness", continued Carel du Marchie Sarvaas.

A [study by the EU's Joint Research Centre](#)¹ showed that this maize increased farm income by up to €122 per hectare, led to higher average yields of 11.8% in an area of heavy insect pressure, and resulted in a reduction in insecticide costs by as much as €20.04 per hectare. Over the four year duration of the illegal French ban, farmers therefore potentially missed out on over €40 million of income and did not produce over 370,000 tons of maize that could have helped meet the needs of a hungry world.

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Notes to Editors

According to European Union law, emergency measures regarding GM crops can be invoked only in case of the existence of a situation which is likely to constitute a clear and serious risk to human health, animal health or environment. Over the last 15 years, GM crops have been cultivated on a total of over

¹ Joint Research Centre of the European Commission (2008). "[Adoption and performance of the first GM crop introduced in EU agriculture: Bt maize in Spain](#)." Also published in *Nature Biotechnology*, April 2008.

one billion hectares ([three billion acres](#)) worldwide and have proven agronomic, economic and environmental benefits. Their safety has been consistently confirmed.

In 2008, pending the authorization renewal for MON810 maize under Regulation EC 1829/2003, the French government banned its cultivation, citing risk to health and the environment. The top legal advisor to the European Court of Justice, Advocate General Paolo Mengozzi, gave his opinion that only the EU itself could institute such bans and that the French government did not have the authority to adopt the ban. Advocate General Mengozzi also underlined that risk invoked to justify a ban cannot be hypothetical.

Additional resources:

[The Impact of the EU regulatory constraint of transgenic crops on farm income](#) (Park et al, 2011)

[The existing and potential impact of using GM insect resistant \(GM IR\) maize in the European Union](#) (Brookes 2009)

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