Hearing at the European Court of Justice on the import of genetically engineered soybeans

Health risks from Monsanto's “Intacta” should be assessed in more detail

26 June 2018 / Tomorrow there will be a hearing at the European Court of Justice (ECJ) 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”. These 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.

In January 2017, Testbiotech experts published a peer-reviewed scientific paper showing that the risks associated with the genetically engineered soybeans had not been sufficiently assessed. Meanwhile, there are further publications showing that the risks associated with the genetically engineered soybeans were underestimated at the time of approval: Norwegian scientists found evidence showing that the residues from spraying with glyphosate and the Bt toxins can indeed enhance their effects if they occur in combination. Further, a paper published by Mexican scientists confirmed that the Bt toxins produced in the soybeans can lead to reactions in the immune system and can even trigger allergies.

Testbiotech won a similar 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 on the court case:
www.testbiotech.org/en/eucourt [2]

Recent publications:
Bøhn, T., Rover, C.M., Semenchuk, P.R. (2016) Daphnia magna negatively affected by chronic exposure to purified Cry-toxins. Food and chemical toxicology, 91: 130–140. https://www.sciencedirect.com/science/article/pii/S0278691516300722 [3]

Bøhn, T. (2018) Criticism of EFSA's scientific opinion on combinatorial effects of ‘stacked’ GM plants.

Food and Chemical Toxicology, 111: 268-274.
https://www.sciencedirect.com/science/article/pii/S0278691517306907 [4]

Santos-Vigil, K., Ilhuicatzi-Alvarado D., García-Hernández, A.L., Herrera-García, J.S., Moreno-Fierros, L. (2018) Study of the allergenic potential of Bacillus thuringiensis Cry1Ac toxin following intra-gastric administration in a murine model of food-allergy. International Immunopharmacology 61: 185–196.
https://www.sciencedirect.com/science/article/pii/S1567576918302467 [5]

Then, C., & Bauer-Panskus, A. (2017) Possible health impacts of Bt toxins and residues from spraying with complementary herbicides in genetically engineered soybeans and risk assessment as performed by the European Food Safety Authority EFSA. Environmental Sciences Europe, 29(1): 1.
https://enveurope.springeropen.com/articles/10.1186/s12302-016-0099-0 [6]

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