

Shanker Singham, 'Brains of Brexit' or 'Snake Oil Singham'?

Response By Pat Thomas, Beyond GM

Farming Today on 12 April 2021 was a good example of how vested interests can get away with self-interested and deceptive comments.

In a piece criticising European regulations of all types Shanker Singham, described by some, including Farming Today, as the “[Brains of Brexit](#)” (but by others as “[Snake oil Singham](#)”), said that the EU had been “disciplined” by the World Trade Organization (WTO) in the past because its GMO regulations were in breach of World Trade Organization rules, and is likely to be in breach again if it continued to regulate gene edited organisms as GMOs. Conversely, he said, by deregulating gene editing Britain, would be in compliance.

Had presenter Charlotte Smith known the history she might have been able to challenge this misleading statement.

In 2003 the United States, Argentina and Canada – which, then as now, jointly cultivated around 80% of the world's GMOs – entered into a dispute with Europe via the WTO. Essentially they accused the EU of being too slow to approve new biotech crops and thereby damaging trade. The accusation came in the middle of an EU was process of producing new regulations governing the labelling and traceability of GMOs, which were then a very new proposition. These regulations came into force in 2004.

The WTO dispute process rumbled on, however, and in 2006 it concluded that the EU's ‘slowness’ in approving GMOs between 1999 and 2004 constituted a de facto moratorium, which violated international trade rules. It noted however that [only one biotech product](#) had been affected by ‘undue delay’ during that time. At no point did WTO say the EU regulations violated WTO rules.

No punishment or disciplinary action was taken against the EU because a) the WTO seeks to “[remedy](#)” not punish and b) by that time the EU's regulatory process had moved on.

Leaving aside the undue and unchecked power to change markets (and narratives) that wealthy countries wield via the WTO, it was wrong then, and it is wrong now, to suggest that the EU “bans” GMOs. The EU **regulates** GMOs. Those countries that grow and sell GMO crops have always been at odds with the EU approach, which is guided by the Precautionary Principle.

At the time of the 2006 WTO ruling, the European Commission [noted](#) “The EU approval process may appear to be lengthy for some countries which adopt a more lenient approach towards food and environmental safety issues...The US appears to believe that GMOs that are considered to be safe in the US should be de facto deemed to be safe for the rest of the world.’

It also made assurances that Member States would continue to have the right to enact their own regulations on the food that their citizens eat. Many European countries remained sceptical of GMOs and in 2015 when European regulations changed again [Member States were given the option to ‘opt out’ of cultivation](#). Several countries including France, Germany, Austria, Greece, Hungary, the Netherlands, Latvia, Lithuania, Luxembourg, Bulgaria, Poland, Denmark, Malta, Slovenia, Italy and Croatia indicated they wished to opt-out as did the UK's devolved nations, Scotland, Wales and Northern Ireland, and Wallonia, the French-speaking region of Belgium. This option came with several caveats, however, and only a few countries have thus far been granted this right.

In 2018 after the European Court of Justice ruled that organisms created using by [genome-editing techniques should regulated as GMOs](#), 14 countries – including the US, Canada, Brazil and Australia – [circulated a statement via the WTO](#) which called for global harmonisation of regulations for gene editing with an emphasis on ‘light-touch’ regulation that would not represent a barrier to trade.

Given the huge global variation in regulations it seems unlikely that Europe would be singled out for being anti-GMO or for violating WTO rules in the future. Indeed almost [50% of the global research](#) in the field of genetic engineering takes place in the EU and [more than 100 GMO crop varieties](#) that meet the requirements of EU regulations have been approved in Europe, the vast majority for import as animal feed.

On the other hand, only two crops have ever been approved for cultivation in the EU: Monsanto's MON 810, which continues to be cultivated in a few areas and the Amflora potato which was only grown for about a year in 2010 and was not used for food but for industrial applications.

There are several reasons why we don't grow GM crops in the EU or UK and they have nothing to do with regulation. Firstly, there has never been a GMO crop that farmers felt they needed or which offered any significant advantage to their businesses. There have also never been any workable or reasonable co-existence measures put in place to protect those farmers who choose not to cultivate GM crops. Consumer rejection of GMOs is another important reason why many of these have never found a marketplace and why labelling and traceability remain cornerstones of EU regulation and should remain cornerstones of post-Brexit regulation in the UK.

By Pat Thomas,
Director, Beyond GM