



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food and feed safety, innovation  
**Biotechnology**

Brussels  
SANTE.DDG2.E.3/FSX/gk(2022)1203072

Dear Ms Moldenhauer,

**Subject: Your email dated 12 January 20220 - Method preventing male chickens/ are layer hens and eggs GMOs or Non-GMOs?**

I refer to your email dated 12 January 2022 relating to the GM status of a certain type of layer hens and their eggs.

We are aware, through information submitted to us by a national competent authority, of a technology based on the integration of a transgene (inducible lethal gene) into the male sex chromosome Z, which conveys that transgene to all male embryos of a specific generation of chickens. As a result, the male embryos of this generation will cease developing soon after fertilisation, while the female embryos of that generation will develop normally into layer hens. We understand that your question relates to these hens and their eggs.

In accordance with Articles 3(1) and 15(1) of Regulation (EC) No 1829/2003, the latter applies to genetically modified organisms (GMOs) for food or feed use, to food and feed containing or consisting of GMOs, and to food, food ingredients and feed produced from GMOs. Accordingly, in order to determine whether a product (layer hens and their eggs in this case) is subject to that Regulation, it needs to be ascertained whether it consists of GMOs, and, if that is not the case, whether it is produced from GMOs.

As regards the first point, the definition of GMO in Article 2(2) of Directive 2001/18/EC refers to organisms *'in which the genetic material has been altered in a way that does not occur naturally by mating and/or natural recombination'*. In case a transgene is only conveyed to the male embryos and is absent in the female embryos, the layer hens resulting from these female embryos would not fall under the definition of GMO.

With regard to the second point, which refers to food and feed produced from a GMO, that category would not apply to the eggs produced by such layer hens, as the latter are not GMOs.

Ms Heike Moldenhauer  
ENGA  
Rue du Monastère 10-12  
1000 Brussels  
Email: [h.moldenhauer@enga.org](mailto:h.moldenhauer@enga.org)

The above considerations have been provided to a national competent authority. Please note that they express the view of the Commission services based on the information provided to us and does not commit the European Commission. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

Yours sincerely,

Irene SACRISTAN SANCHEZ  
Head of Unit