



“ ”

USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.09

Voluntary Report - public distribution

Date: 12/9/2003

GAIN Report Number: E23234

European Union

Biotechnology

BT-11 Sweet Corn Fails to Get EU Approval

2003

Approved by:

Norval Francis, Agricultural Minister Counselor
U.S. Mission to the European Union, Brussels

Prepared by:

Stan Cohen, Senior Agricultural Attache

Report Highlights:

In the run up to the December 8th vote on Bt-11 sweet corn, Commissioner of Health and Consumer Protection David Byrne, the architect of the traceability and labeling regulations, remarked "If we fail to make progress [on the public's perception of the safety of biotech products], there is a very real danger that an anti-science agenda may take root in European society leading to a society hampered and restricted by a collective neurosis."

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Brussels USEU [BE2]
[E2]

The EU's long awaited lifting of the moratorium on the approval of biotech products was once again postponed on December 8 when an EU regulatory committee failed to muster the qualified majority needed to approve the marketing of Syngenta's Bt-11 sweet corn. While EU scientists issued a positive safety assessment for BT-11 and the EU Parliament legislated labeling and traceability regulations to reassure consumers about the safety of biotech products, the backlog of unapproved products now stands at 30.

On May 13 in response to the United States's request for a WTO dispute panel on the EU's illegal moratorium, EU Trade Commissioner Pascal Lamy said, "The EU's regulatory system for GMO authorization is in line with WTO rules: it is clear, transparent and non-discriminatory. There is therefore no issue that the WTO needs to examine. The US claims that there is a so-called "moratorium" but the fact is that the EU has authorised GM varieties in the past and is currently processing applications. So what is the real US motive in bringing a case?"

With a system in place to conduct scientific assessments and to label and trace biotech products, one wonders what the "real" EU motive is for prolonging the moratorium.

Now that Bt-11 has failed to secure a qualified majority in the Regulatory Standing Committee of the Food Chain, the request will be transferred to the Agricultural Council in January. The Council will have 90 days to review the request and vote. If the Council fails to reach a decision in favor or against approval (a qualified majority is required), then the request for approval will go back to the Commission. The Commission will then be obligated to issue a decision approving the marketing of BT-11. We anticipate that the Council will fail to obtain a qualified majority for or against, and will thus send the request to the Commission for action.

Directive 2001/18, Article 23 (known as the safeguard clause) provides that where a Member State has justifiable reasons to consider that a biotech product, which has received written consent for placing on the market, constitutes a risk to human health or the environment, it may provisionally restrict or prohibit the use and/or sale of that product on its territory.

If the above scenario were in fact to unfold, we would not be surprised if one of the Member States did in fact invoke the safeguard clause after the EU Commission approved the placing on the market of Bt-11.

In the December 8 vote on Bt-11, Finland, Sweden, Ireland, the United Kingdom, Netherlands, and Spain voted in favor. Greece, Denmark, France, Austria, Luxembourg, and Portugal voted against. Belgium, Germany, and Italy abstained from voting.

In the run up to the December 8th vote, Commissioner of Health and Consumer Protection David Byrne, the architect of the traceability and labeling regulations, remarked "If we fail to make progress [on the public's perception of the safety of biotech products], there is a very real danger that an anti-science agenda may take root in European society leading to a society hampered and restricted by a collective neurosis."

The anti-science forces in Europe are already well-established and the prolongation of the moratorium continues to fan consumer anxiety about the safety of biotech products.

Visit our website: our website www.useu.be/agri/usda.html provides a broad range of useful information on EU import rules and food laws and allows easy access to USEU reports, trade information and other practical information. E-mail: AgUSEU.Brussels@usda.gov

Related reports from USEU Brussels:

Report Number	Title	Date Released
E23231	The European Food Safety Authority	12/11/03
E23233	Safe as Conventional Corn	12/11/03