



**Friends of  
the Earth  
Europe**

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## **DON'T LET BUSH AND THE WTO WIN**

### **Help stop the European Commission from backing down on GM foods**

Over the past seven years several European countries have banned a number of genetically modified (GM) foods or crops due to concerns about health and environmental impacts. The European Commission, the executive arm of the European Union, is now pushing for countries to drop these bans as a result of pressure from the United States and the World Trade Organisation (WTO). In June 2005, the Commission will ask all the European member states to vote against these bans. This briefing tells you about the national bans, what might happen next and calls on you to urgently write to your Government and MP.

#### **Introduction**

Decisions on whether to allow GM crops and foods onto the European market are taken in Brussels, and the licenses apply across the whole EU. Under EU law, these decisions are meant to be taken by national governments – only if they can't agree does the Commission step in. In practice, member states have often been unable to reach agreement, because many countries have serious concerns about the impact of GMOs on health and the environment. So the Commission has ended up taking the decisions on GM licenses, and it has always approved them. As a result, countries with concerns about particular GMOs have resorted to using a legal 'safety clause'<sup>1</sup>, which allows them to ban the GMO from being grown or imported into their own country. Countries must justify such bans on the basis of evidence about health or environmental risks.

#### **Caving in to the US**

In 2003, the US and others took this matter to the World Trade Organisation, claiming that these national bans are a barrier to trade. But instead of fighting for the right of countries to take a precautionary approach to GM products, the Commission is caving in to the US and WTO. It is now trying to force national governments to lift their bans.

#### **What is the Commission doing?**

On June 24<sup>th</sup>, the Commission will ask all member states to vote on whether those countries that have imposed national bans should be made to lift them. The vote will be at a meeting of Environment Ministers from all EU countries.

#### **Why ban Syngenta's Bt 176 maize?**

**Bt 176 contains a novel gene coding for resistance to ampicillin antibiotics.** If picked up by bacteria, the gene would allow them to become resistant to these important medicines. In 2004, **the European Food Safety Authority stated that such genes "should not be present in GM plants to be placed on the market"**.

**Bt 176 has also been modified to produce an insecticidal toxin.** This toxin could affect many European species of butterflies and moths, but **the impact on European wildlife of growing it has never been tested.** In the 1990s, studies found high levels of this toxin in the GM maize's pollen, and concerns were raised in the United States about the effect on the Monarch butterfly. The GM maize was withdrawn by the company, and is no longer grown in the US.

**When the approval for Bt 176 was originally discussed, 13 out of 15 member states wanted to refuse approval. The Commission went ahead and approved it anyway.**

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<sup>1</sup> The safeguard clause (Article 16 in EU Directive 90/220 or Article 23 in 2001/18) allows countries to ban or restrict GM products that have already been authorised at an EU level. Countries need to provide new evidence to justify the restriction on either health or environmental grounds.

### What will happen next?

For EU countries to stop the Commission they must vote against their proposals with a so-called “qualified majority” (QM). This is the weighted voting system used in Europe. Therefore it is very important that countries do not simply abstain but vote against the Commission. When member state representatives were asked to vote on the same proposal last year there were not quite enough votes to stop then so that is why they are trying again. To see how you country voted last time see [http://www.foeeurope.org/ban\\_risky\\_gm\\_food/](http://www.foeeurope.org/ban_risky_gm_food/).

### The national bans

The following table shows the bans that have been implemented by countries using the GM environment regulations. In addition there are 4 GM foods banned in Italy using different regulations and Greece, Poland and Hungary also recently banned Mon 810 maize. But these decisions won't be voted on at this meeting.

Company	GM product	Country where banned	Date of ban	Concerns
Syngenta	Bt176 maize	Austria	13/02/1997	effects on non-target insects such as butterflies + transfer of antibiotic resistance genes to humans and animals
Syngenta	Bt176 maize	Germany	31/03/2000	effects on non-target insects + transfer of antibiotic resistance genes to humans and animals + insects could develop resistance to the Bt
Syngenta	Bt176 maize	Luxembourg	07/02/1997	Transfer of antibiotic resistance genes to humans and animals
Bayer	GM oilseed rape Topas 19/2	France	16/11/1998	impact of genetic escape and spread of herbicide tolerance
Bayer	GM oilseed rape Topas 19/2	Greece	08/09/1998	impact of genetic escape
Bayer	GM oilseed rape MS1xRf1	France	16/11/1998	impact of genetic escape and spread of herbicide tolerance
Bayer	T25 maize	Austria	28/4/2000	protection of sensitive areas, lack of monitoring plan and concerns about the herbicide used
Monsanto	MON810 maize	Austria	10/06/1999	Effects on non-target insects

### What happens if the Commission wins?

If the Commission succeeds and there are not enough votes against them then there will be great pressure on these countries to lift their bans. The government's will have to accept these GM products into their countries, even though they have legitimate health and environmental concerns. If the countries still refuse to lift their bans then the Commission will be in a strong position to start legal proceedings against them, allowing the Commission to impose large financial penalties.

### The winner takes it all...

Allowing the Commission to win will also allow the US Government to succeed in using the WTO to force countries to accept GM foods. This is not only bad for Europe but terrible news for other countries, especially developing countries who do not want to accept GM foods or want to stop them until they have laws in place. They will see that even Europe was not strong enough to stand up to the US and their corporations, and they may feel that they can't risk legislation to protect their environment and human health from the effects of GM products. This will allow companies such as Monsanto to move in and take control of the world's food supply. It is therefore absolutely critical

that the Commission is not allowed to cave in under this pressure but instead stands up and fights for the right to say no to GM.

**Write NOW to your Government and MP**

We need to urgently lobby all EU countries and ask them to vote against the Commission's proposals. Individual countries must have the right to decide whether to accept GM foods and crops. A draft letter to your Environment Minister can be found at [http://www.foeeurope.org/ban\\_risky\\_gm\\_food/](http://www.foeeurope.org/ban_risky_gm_food/). Please also use this opportunity to write to your MP, calling on them to lobby the Minister and to call for both the Commission and the WTO to be made more accountable.