

1. Is there a market for GM food in Europe?

Although genetically modified (GM) foods were approved ten years ago, there are now virtually no GM foods sold in Europe. All major food retailers and manufacturers have removed GM ingredients, such as Monsanto's GM soy, from their products. The only imports into Europe are GM animal feeds. Some food companies demand that their producers use only GM free feed.¹

2. What does the European public think about GMOs?

Europeans continue to reject GM foods. European polls show that around 70% of the public do not want to eat GM foods². A EU poll last year showed that 54% of Europeans believe GM foods are dangerous and only 14% disagreed.³

3. What GM crops are being grown in Europe?

There have been no new GM crops approved for cultivation in the EU since 1998, and despite 30 years of research and public money the industry has only delivered two GM traits: herbicide and insect resistance. The only country growing GM crops on any significant scale is Spain (insect resistant maize). Last year Spain withdrew one of the two permitted GM crops on health grounds.⁴

4. What actions have national governments in Europe taken against GMOs?

One of the main issues in the US-led dispute is the national GM bans within the EU. At the beginning of the dispute there were 8 bans⁵. This has now increased with Hungary, Poland and Greece banning Monsanto's maize seeds – the only ones permitted to be grown across Europe. Austria is also currently consulting on a ban of Monsanto's oilseed rape. Last November the Swiss voted in a referendum for a five year ban on growing any GM crops. This is now written into the Swiss constitution.

5. What actions have local governments taken against GMOs?

The number of regions declaring their intention to stay GM free has rocketed since the dispute began, particularly now that Monsanto's GM maize seeds have permission to be grown in Europe. Around 172 EU regions have declared themselves GM free along with approximately 3500 smaller areas⁶. These regions are rejecting GM agriculture in order to produce quality food products in a quality environment.

6. What has happened to exports from GMO-producing countries?

The introduction of GMOs in North and South America has had a major effect on their agricultural trade with Europe. Countries such as Canada have lost virtually all of their European export market for oilseed rape (replaced by Poland) since introducing GM oilseed rape. Similarly, the United States has lost its exports of maize (replaced by Argentina) over the same time period.⁷

7. What is wrong with the way WTO disputes are conducted?

¹ For example, Marks and Spencers in the UK state that they use non-GM feeds for all fresh meat, fresh milk, fresh poultry, fresh farmed fish and eggs.

² Eurobarometer, europa.eu.int/comm/research/press/2001/pr0612en-report.pdf

³ http://europa.eu.int/comm/public_opinion/archives/ebs/ebs_224_report_en.pdf

⁴ Order of the Ministry of Agriculture, number 2628/2005 from 28 of July, that excludes and includes in the Catalogue of Commercial Varieties GM corn varieties. It excludes the 4 Bt176 varieties that were still registered in the Catalogue.

⁵ See FOE briefing http://www.foeeurope.org/biteback/pics/national_ban_%20briefing_2005.pdf

⁶ See website www.gmofree-europe.org

⁷ Toepfer International, Edition 2000/01

i) The WTO's dispute settlement procedures exemplify the secrecy and lack of transparency and democracy of the WTO.

- Session hearings are held behind closed doors;
- There is no mandatory access for the public to the full submissions;
- There is no obligation on the part of the WTO to take notice of any input made by third parties eg the public.

ii) Corporate influence

It is clear from the disputes over bananas, beef and GM foods that big corporations are able to lobby governments to initiate complaints on their behalf.⁸ Soon after Chiquita - one of the world's largest banana producers - made a \$500,000 donation to the Democratic Party in the USA, the US Government made a complaint to the WTO about the EU's banana trade policy⁹. Agri-business is currently pushing the US Administration to file a complaint against the labelling legislation in the EU.¹⁰

iii) WTO rules are pitted against the environment, health and farmers

The WTO's rules and operations often prevent attempts to protect the environment.

The main problems include:

- WTO free trade rules have developed in competition to UN treaties on the environment
- WTO rules regard environmental and health issues as barriers to trade: WTO rules conflict with many national laws intended to protect the environment. The abilities of countries to apply the precautionary principle, especially on new unproven technologies, is limited.
- The WTO's dispute settlement panel lacks any environmental expertise: members of the panels are usually trade diplomats from WTO member states who lack case-specific expertise.

iv) Public opposition against the WTO increases

When the WTO ruled against the EU in the hormone beef case, it sparked off strong protests from French farmers. Café owners across France retaliated against US trade sanctions, increasing prices of Coca Cola to \$15 per bottle. Various sectors have been targeted by the WTO, for example mustard and Roquefort cheese in France, which has sparked off strong retaliatory actions from French farmers. At the latest Hong Kong Ministerial Conference, more than 1000 protestors, including many farmers, were arrested after chanting that the WTO kills farmers and their environment.

v) The WTO- the wrong forum to rule on GMOs

The WTO is the least appropriate forum to deal with environment-related disputes due to its lack of environmental expertise, its trade bias and lack of transparency and stakeholder consultation¹¹. An alternative dispute settlement procedure to solve trade and environmental conflicts is needed such as in the International Court of Justice (ICJ) or the Permanent Court of Arbitration (PCA).

Additionally, the UN Biosafety Protocol is an international agreement that deals with trade in GMOs. Unfortunately, the US has refused to sign it.

⁸ Both the US and the EC ask business groups to notify them of barriers to trade that shall be harmonised or eliminated through bilateral consultation or dispute settlement.

⁹ Laurence, B. 1999: The top banana, The Observer, 7 March 1999, UK, Chambron, A 1999: Bananas: The Green Gold of the TNCs. In Hungry for Power, UK Food Groups, London UK.

¹⁰ On the US Soybean Association's attempt to file a complaint against the EU's traceability and labeling requirements - see <http://www.soygrowers.com/policy/priorities05.pdf>,

¹¹ Is the WTO the only way? http://www.foeeurope.org/publications/2005/alternatives_wto.pdf.