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News | 30.01.2012

# GMO (In)Digest

## Issue 2 of the GMO Campaign Newsletter

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### EU Work

#### Standing Committee on the Food Chain and Animal Health (SCFCAH)

At the 12th January meeting of the SCFCAH, the European Food Safety Authority (EFSA) presented its opinion on 2 genetically modified maize for cultivation, MON88017 from Monsanto and GA21 from Syngenta. These are the first herbicide-tolerant GE maize that are in the pipeline for growing authorisation. The report of the meeting is not available yet, but it seems that there was not much time for discussion after the presentation, and that Member States (MS) did not send a strong message against the authorisation of these 2 maize, although NGOs have written to MS to alert them on the specific hazards of herbicide tolerant crops.

At next SCFCAH meeting on Feb.10th, there will be a discussion on Draft Commission Implementing Regulation on implementing rules concerning applications for authorisation of genetically modified food and feed in accordance with Regulation (EC) No 1829/2003 of the European Parliament and of the

Council and amending Regulations No (EC) 641/2004 and (EC) No 1981/2006. (Art. 5(7) and Art. 17(7) of Regulation (EC) No 1829/2003) (Opinion of the Committee via the examination procedure). This regulation will set for the first time legally binding standards for EFSA GMOs risk assessment (so far, only guidelines exist). However, the proposed standards are wholly inadequate to exclude risks for human health and the environment, as shown by NGO Testbiotech

The internal deadline for objections in the ENVI Committee was January 25th and the Commission hopes that there will be a vote "before summer". MEPs can object to a "draft" measure only, and as it is an implementing act, only if the draft exceeds the implementing powers of the Commission, which is not the case, according to most accounts.

We think we still need to address the issue politically, as the measure is quite far-reaching. Moreover some parts will surely be a precedent for another measure (to come later) which will deal with the environmental risk assessment (regarding applications for cultivation). The question of how well GMOs are tested before they can be put on the market is one of the crucial questions in EU GMO policy.

But the measure is very technical. It concerns, for example, required information to be contained in the application, specific requirements regarding the risk assessment (statistical methods, toxicological data etc) as well as sampling/ detection methods. There are some tiny improvements compared to the current situation (e.g. mandatory testing by feeding studies and basic standards for toxicological standards; both anyway often applied already), but a lot of issues are still absolutely inadequate and insufficient. For example:

- principle of substantial equivalence will form the basis for risk assessment
- simplified rules for "stacked events"
- no requirements regarding pesticide residues (although GMOs designed to be used with pesticides)
- no mandatory post-market monitoring

In order to not let this measure pass undiscussed, but taking into account that we do not have legal grounds for an objection, we thought of writing a letter by concerned MEPs, either from various groups, or at least from ours, pointing to the issues where we think the draft is inadequate. It could go out with some press work before the Feb. 10th meeting.

**Appeal Committee**

17th January was the first meeting of the Appeal Committee on GMOs, created by the Lisbon treaty and the changes in the comitology procedure. It examined authorisations for imports of 4 genetically modified soybeans for food and feed uses (no cultivation). For one of these GM soybeans, it is the renewal of the authorisation of the Roundup Ready soybean that has been allowed in 1996 in the EU. Member States delivered a "no opinion" vote, failing to reach a qualified majority against or for the authorisations. The dossiers will return to the Commission, which will probably approve them in the coming weeks. Note that under the new comitology, the Commission is not obliged to authorize them in the absence of a qualified majority as it used to in the old comitology.

There has been a steady flow of correspondence between MEP Bart Staes and Ms Testori, from DG Sanco, about this new process. We'll continue to push for more information and transparency on the members and rules of procedure for the appeal committee.

**Biopatents**

MEP Martin Häusling, with S&D Gebhardt and EPP Kastler, is hosting a roundtable on patents on plants and animals on Feb. 8th, organized by the No Patents on Seeds coalition. The issues to be discussed will be patents on conventional breeding of plants and animals and their consequences for the agricultural sector and the food production; how to interpret the EU's Biotech Patents Directive 98/44/EC?; is there a need to change the law?; the point of view of stakeholders. This is part of our attempt to table an OQ and a resolution with S&D and EPP against patents on plants and animals.

On another related issue, the vote on the unitary patent package (JURI) that was planned at the February session will probably be postponed, because of a fight between UK, France and Germany for the site of the new Patent Court. As the OQ cannot be tabled until the package has been adopted, it may be postponed.

The No Patents on Seeds coalition has written an open letter to MEPs and the Commission to oppose patenting of plants and animals, which it asks NGOs and the public to sign.

**European Food Safety Authority discharge**

On 24th January, the ENVI Committee voted on the discharge of EFSA. We are opposed to granting the discharge of EFSA for 2012, because we are very critical about the numerous conflicts of interests in the scientific EFSA panels. However, the report granting discharge to EFSA has been adopted at a large majority. This is not a good sign of EP's concerns on scientific independence, at a time when EFSA is renewing its scientific panels amidst recurring concerns about EFSA's scientists' conflicts of interests with industry, and particularly the industry lobby group ILSI, since MEP José Bové exposed Ms Banati's links to ILSI until the last renewed panels last July, where a few members again had failed to disclose links with ILSI. Recently, PAN Europe showed how EFSA management had no control on the composition of an EFSA working group on TTC, Threshold of Toxicological Concern, a tool to classify chemicals safe without testing. The selection was entirely put in the hands of Ms. Barlow who worked for ILSI on exactly the same topic. As new members for 8 scientific panels should be decided in March by EFSA management board, we think we need to write to them that we will be very watchful on the nominations.

EFSA has also recently published guidance for the risk assessment of food and feed derived from GM animals and related animal health and welfare aspects. Friends of the Earth and Testbiotech had criticised the draft during the consultation process.

**Science**

MEPs José Bové and Sandrine Bélier had asked the Commission a written question on how the Commission intends to take into account the surprising and far-reaching results of a new scientific study about micro-RNA in the assessment process for GE crops. (see GMO (in)digest 1). Commissioner Dalli has answered on 27th January.
(my approximate translation)*"The Commission has asked EFSA to analyse the relevance of the article quoted by the Hon. MEPs in the context of the assessment of the safety of GM food and feed. The result of this analysis is expected at the end of January 2012. The Commission will then decide what needs to be done."*
To be followed ...

## MS/EU news

**BASF out of Europe**

The World's Number 1 chemical company, German giant BASF, announced that it is stopping the development of genetically modified crops in the EU and moving its headquarters for Plant Science to the USA.
After battling for more than 12 years to get its GM potato for industrial uses authorised in 2012 and seeing the outcry it generated in the public, the company seems to have finally realised that EU public opinion is still strongly opposed to GM crops despite the industry's best lobbying efforts.

- See our blog post

**France: Monsanto says won't sell GMO maize in France in 2012**

U.S. biotech firm Monsanto said on Tuesday it does not plan to sell its genetically modified maize MON810 in France this year, nor after, even though the country's highest court overturned a 3-year ban in November. Although this seems excellent news, there's no reassurance that farmers would not buy MON810 seeds from Spain or other companies under a license agreement if the moratorium has not been re-installed.

**Latvia**

On 30th November 2011, Latvia became the first country to ratify the Nagoya - Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety. The first ratification comes just over a year after the Supplementary Protocol was adopted in Nagoya, Japan.

The Supplementary Protocol aims at contributing to the conservation and sustainable use of biodiversity by providing international rules and procedures for liability and redress in the event of damage resulting from living modified organisms (LMOs). It will enter into force 90 days after the deposit of the 40th instrument of ratification. It currently has 36 signatories. It is still a long way to go.

## Around the World

**Mexico Approves Planting of a new GM Cotton variety**

Despite recent scientific evidence that transgenes from genetically modified cotton have been found in wild varieties (see GMO (un)digest 1), a new genetically modified cotton developed by Monsanto was given approval for planting by the Servicio Nacional de Sanidad, y Calidad Inocuidad Agroalimentaria (SENASICA) of Mexico, the agency that oversees the analysis and release of GMOs in the country, on December 20, 2011. This GM cotton is producing its insecticide (a Bt cotton) and is tolerant to the herbicide glyphosate (Round-up) from Monsanto.

**Mexico Approves Pilot Tests for GM Corn**

On 31st December 2011, SENASICA announced the approval of two pilot tests of genetically modified corn (Monsanto herbicide tolerant NK 603 and Bt+herbicide tolerant 89034x88017) in the state of Sinaloa. Pilot testing consists of farm-scale experiments and is the last step before commercial growing can be granted. These two approvals for pilot testing have been granted even though the results of the previous stages of experimental field tests (on a smaller scale) have not even been published. They cover

an area of 63.48 hectares 16 locations. Four other pilot tests were denied in the most recent publication. Thirty-eight experimental testing permits were issued for several genetic events across the Mexican states of Tamaulipas, Nayarit, Sinaloa, Baja California Sur and Sonora.

Sadly, Mexico does not seem to feel responsible for the loss of genetic diversity of the crops that it is a centre of origin and should be the custodian, only for the benefits of a few biotech multinational companies.



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**Responsible MEPs**

José Bové

Member

Bart Staes

Member

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